

GAHC010003732012



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1135/2012

FATEMA KHATUN @ FATEMA BIBI
W/O- RAFIQUUL PARAMANIK, VILL.- PUB RATIADAHA, P.O.- BISONDAI, P.S.-
GOLAKGANJ, DIST.- DHUBRI.

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY- 6.

2:THE DY. SECY.
TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR
GHY- 6.

3:THE DIRECTOR OF SOCIAL WELFARE DEPTT.
UZANBAZAR
GHY- 1.

4:THE DIST. SOCIAL WELFARE OFFICER
DHUBRI DIST.
DHUBRI
ASSAM.

5:THE CHILD DEVELOPMENT PROJECT OFFICER
GOLOKGANJ
ICDS PROJECT
DIST.- DHUBRI
ASSAM.

6:ABU TAHER BEPARI

S/O- JOSOMUDDIN BEPARI
MLA 25 NO. GOLOKGANJ LAC CUM PARLIAMENTARY SECY.
GOVT. OF ASSAM
DISPUR
GHY- 6

Advocate for the Petitioner : MR.H R CHOUDHURY

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : **09.02.2024**

Heard Mr. A. D. Sarkar, learned counsel for the petitioner. Also heard Ms. D. Das Barman, learned Addl. Senior Government Advocate representing the respondents no. 1 to 5.

None has appeared for the respondent no. 6.

2. The instant writ petition is instituted by the petitioner presenting a challenge to a communication dated 15.02.2012, issued by the Deputy Secretary to the Govt. of Assam, Social Welfare Department, placing the petitioner, who was working as an Anganwadi workers at 112 No. Pub Ratiadaha (Namusudrapara) AWC under Golakganj ICDS Project, under suspension and requiring the Anganwadi Helper of the said centre to act as the Anganwadi worker.

3. The petitioner was engaged as an Anganwadi workers at 112 No.

Pub Ratiadaha (Namusudrapara) AWC under Golakganj ICDS Project, w.e.f. 13.07.2007. During the discharge of the responsibilities of the petitioner as an Anganwadi worker of the said centre, complaints came to be made against her by the local people claiming that the petitioner was not discharging her duties in the manner as required as an Anganwadi worker and had misappropriated funds allotted to the said centre.

4. The Child Development Project Officer (CDPO), Golakganj ICDS Project, vide the communication dated 03.11.2011, issued a show-cause notice to the petitioner requiring her to submit her replies with regard to the allegations that were leveled against her in the complaint received on 12.08.2001 and 19.08.2011. The petitioner vide her representation dated 14.11.2011, submitted a detailed reply to the allegations as leveled against her in the complaints so received and incorporated in the said show-cause notice dated 03.11.2011.

5. It is the projection of the petitioner that after receipt of her said reply dated 14.11.2011, the allegations against the petitioner having been satisfactorily explained by the petitioner, the authorities did not proceed any further in the matter and the petitioner continued to discharge her duties in the said Anganwadi centre.

6. It is under the above circumstances that the petitioner on 23.02.2012, received a communication dated 15.02.2012 by which the petitioner was placed under suspension and the works of the Anganwadi

worker in the said centre was directed to be discharged by the Anganwadi helper working therein.

7. A perusal of the said communication dated 15.02.2012, reveals that the same was so issued basing on a communication received by the Government from the respondent no. 6. The CDPO, Golakganj ICDS Project, on receipt of the said communication dated 15.02.2012, issued an order dated 22.02.2012 permitting the Anganwadi helper to run the said Anganwadi centre in place of the petitioner who was stated to have been placed under suspension.

8. The petitioner being aggrieved approached this Court by way of instituting the present proceedings and this Court vide order dated 07.03.2012, noticing the extraneous interventions made in the matter leading to the suspension of the petitioner was pleased to stay the effect and operation of the communication dated 15.02.2012 and the order dated 22.02.2012. The said interim order continues to hold the field till date.

9. It has been brought on record that the CDPO, Golakganj ICDS Project, in pursuance to the directions passed by this Court vide order dated 07.03.2012, had vacated the order dated 22.02.2012 and allowed the petitioner to run the works of the said Anganwadi centre. The CDPO, Golakganj ICDS Project, by way of filing an affidavit has contended that the Anganwadi centre under the workership of the petitioner was running

well and the records of the centre were being maintained properly. However, indication was made with regard to the interference made in the matter by the local MLA.

10. It is to be noted that the present proceedings are pending since 2012 before this Court and the petitioner in terms of the interim directions passed by this Court vide order dated 07.03.2012, has been discharging her duties as the Anganwadi worker of the said centre and no allegation of any misdoing on the part of the petitioner has been brought on record by the respondent authorities, rather, it is the stand of the respondent no. 5 that the petitioner has been discharging her duties in the manner required and the works of the said centre was being managed properly with proper maintenance of records. It is also to be highlighted that no proceedings against the petitioner came to be instituted in the interregnum basing on any allegations that may have been alleged against her.

11. In view of the said facts and circumstances as existing in the matter, this Court is of the view that the communication dated 15.02.2012 cannot be sustained and accordingly, the same stands set aside and quashed.

12. The interference made with the communication dated 15.02.2012, requires the order dated 22.02.2012 to be interfered with and accordingly, the order dated 22.02.2012 also stands interfered with.

13. With the above observations and directions, the writ petition stands disposed of, requiring the respondent authorities to allow the petitioner to continue to work as the Anganwadi worker at 112 No. Pub Ratiadaha (Namasudrapara) AWC under Golakganj ICDS Project.

JUDGE

Comparing Assistant