

WP(C) 5503/2014  
BEFORE  
HON'BLE MR. JUSTICE B.K. SHARMA

The petitioner is aggrieved by the Annexure-5 order dated 09/09/2013 by which her services as Anganwadi Worker of 107 No. Simlabari Part-1 (C) Anganwadi Centre under Chapar Salkocha ICDS Project in the district of Dhubri has been dispensed with on the ground of misappropriation of SNP fund. As per the allegation made against her, she has misappropriated the amount withdrawing from the joint Account No. 31488999221.

As indicated in the impugned order, there was complaint from the public.

Mr. S. Islam, learned counsel for the petitioner submits that since the order has been passed without affording the petitioner an opportunity of being heard, the same is liable to be interfered with. On the other hand, Mr. B.K. Sarma, learned Standing Counsel, Social Welfare Department submits that since the very appointment of the petitioner as Anganwadi Worker is honorary on payment of honorarium, she cannot claim protection under Article 311 of the Constitution of India.

Having regard to the nature of the grievance raised and considering the facts that the petitioner has already approached the authorities by filing Annexure-9 and 10 representations against the impugned order, the writ petition is disposed of granting liberty to the petitioner to approach the Director of Social Welfare, Assam with an appropriate representation. In the event of such representation is made to the said authority, he will decide the matter taking note of all the attending facts and circumstances including the materials regarding misappropriation of the fund as alleged in the impugned order. Let the appropriate order be passed as expeditiously as possible, preferably within two months of making the representation by the petitioner along with a certified copy of this order. If need be, parties involved may also be heard.

There shall be no order as to costs.