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WA-932-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 10th OF APRIL, 2026

WRIT APPEAL No. 932 of 2024

SMT. PRIYANKA PAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Vishal Pateriya - Advocate for the petitioner.

Shri Abhijeet Awasthi, Dy Advocate General for the State.

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ORDER

Per. Justice Pradeep Mittal

This writ appeal is directed against the order dated 04.03.2024 passed in W.P. No. 9477 of 2013 by the learned Single Judge whereby the writ petition of the appellant/writ petitioner has been dismissed.

2. The facts leading to the filing of the present appeal are that the appellant/writ petitioner was appointed as an Anganwadi Karyakarta at Anganwadi Kendra, Ward No. 1, Nagar Panchayat Prithvipur, District Tikamgarh (M.P.) on 27/04/2007. During the course of her service, she fell ill on 28/11/2008 and remained under medical treatment. She submitted leave applications along with medical certificates; however, the same could not be received by the respondents due to curfew imposed in the district at the relevant time.



3. That without issuing any show cause notice, respondent No. 3 terminated the services of the appellant/ writ petitioner on 28/01/2009 on the ground of alleged unauthorized absence. Aggrieved by the said order, the appellant /writ petitioner preferred an appeal before respondent No. 2, which was dismissed on 29/10/2009. The appellant/ writ petitioner thereafter filed a writ petition before this court, which was withdrawn with liberty to avail alternative remedies. Pursuant thereto, she preferred a further appeal before respondent No. 5, which was also dismissed on 15/10/2012, affirming the earlier order. Against which, the appellant/ writ petitioner filed W.P. No. 9477 of 2013 which was also dismissed by the impugned order under challenge, hence, this appeal on the following grounds.

4. It is submitted by the learned counsel for the appellant that she was duly appointed as an Anganwadi Karyakarta on 27.04.2007 and had been discharging her duties satisfactorily without any complaint. During service, she fell ill and submitted leave applications along with medical documents; however, the same could not be received by the respondents due to curfew in the district. The appellant was terminated from service vide order dated 28.01.2009 without issuance of any show cause notice, in violation of the principles of natural justice. The subsequent appeal was also dismissed without proper consideration of the facts and circumstances.

5. It is further submitted that the learned Single Judge failed to appreciate that the termination was arbitrary, mala fide, and contrary to the settled principles of service jurisprudence as well as the law laid down in **Smt. Parvati Pawar vs. State of M.P. & Others** (W.A. No. 111/2018, decided



on 18/02/2019 passed by this Court, Bench at Indore). It is contended that the finding that the appellant remained absent without intimation is incorrect, as she had duly submitted leave applications along with medical documents, and therefore prays for setting aside the impugned order. Learned counsel for the appellant has placed reliance on the judgment in **Parvati Pawar** (supra), wherein the Division Bench held that termination of an Anganwadi Karyakarta without proper adherence to the principles of natural justice is unsustainable in law. It was further emphasized that where an employee is prevented from responding to a show cause notice due to genuine circumstances such as serious or critical illness, the authorities are required to adopt a fair and reasonable approach rather than proceeding with termination in a mechanical manner. The Court, relying upon the principles laid down by the Hon'ble Supreme Court in *Uma Nath Pandey vs. State of U.P.*, reiterated that observance of the principles of natural justice is an essential requirement in service matters, and any action taken in violation thereof is liable to be set aside. Accordingly, it was held that termination in such circumstances, without affording a meaningful opportunity of hearing and without proper consideration of medical conditions, cannot be sustained.

6. Per contra, the learned counsel for State supports the impugned order and submits the appellant/writ petitioner has attempted to misrepresent her illness. The Collector, Tikamgarh, in his order dated 24th October 2009, has categorically observed that the appellant/petitioner submitted an application stating that her child was ill; however, the medical certificate produced is issued by a Medical Officer at Jhansi indicating that the



appellant/writ petitioner herself was ill.

7. The learned Single Judge while dismissing the writ petition held that the appellant/writ petitioner was terminated on account of unauthorized absence after due issuance of a show cause notice dated 16/01/2009, which was served by affixture and remained unanswered. Hence, there was no violation of principles of natural justice. The Single Judge further held that the appellant's plea regarding illness and curfew was not supported by credible evidence, and the medical certificate produced was unreliable and the judgment of this court relied by the appellant rendered in the case of **Parvati Pawar** (supra) is not applicable.

8. Having heard learned counsel for the parties and perused the record, this court finds no illegality or perversity in the order dated 04.03.2024 passed by the learned Single Judge warranting interference in the present writ appeal. The record clearly indicates that the appellant/writ petitioner was terminated from service on account of unauthorized absence after due issuance of a show cause notice dated 16/01/2009, which was duly served by affixture and remained unresponded to. Therefore, the contention regarding violation of principles of natural justice is not sustainable.

9. It is further evident that the appellant's plea of illness and inability to submit leave applications on account of curfew is not supported by any reliable or consistent material on record. The medical certificate produced does not inspire confidence and is rightly disbelieved by the authorities and the learned Single Judge. The reliance placed on Smt. **Parvati Pawar** (supra) is distinguishable on facts, as in the present case the appellant has failed to



establish any critical illness or other compelling circumstance supported by cogent evidence to justify her prolonged absence or non-response to the notice. The learned Single Judge has rightly held that a valid show cause notice was issued, and sufficient opportunity was afforded to the appellant, but she failed to avail the same. The findings recorded are based on proper appreciation of facts and do not suffer from any error of law.

10. In view of the above, this court finds no ground to interfere with the impugned order. The writ appeal being devoid of substance and merit is accordingly dismissed.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

MSP