

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.463 of 2022

For Petitioner(s)	:	Mr. Raju Datta, Advocate.
For Respondent(s)	:	Mr. B. Majumder, Deputy SGI. Mr. M. Debbarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)

_O_R_D_E_R_

04/04/2023

Heard Mr. R. Datta, learned counsel appearing for the petitioner. Also heard Mr. B. Majumder, learned Deputy SGI and Mr. D. C. Saha, learned counsel appearing for the respondents.

This petition has been filed under Article-226 of the Constitution of India for quashing/setting aside the notification vide No.46(176)-ICDS/SWE/2012/1557(94) dated 07.07.2012 issued by the respondent No.2, memorandum vide No. F.46(54)-ICDS/SWE/2015/7780 (69) dated 15.05.2015 issued by the respondent No.3 whereby age of retirement of AWWs & AWHs was fixed on attaining 60 years and the notice of retirement vide No.F.5(8)/ESTT.RNP/2011/718 dated 08.12.2021 issued by the respondent No.6 whereby it was informed that the petitioner will retire from honor. Service in the afternoon of 31.12.2021 i.e. beyond 60 years of age. Further, to issue a writ in the nature of mandamus directing the State respondents to reinstate the petitioner in service to the post of Anganwadi Helper and allow her to continue service in the post of Anganwadi Helper (AWH) till she attains 65 years of age.

The petitioner has prayed for the following reliefs:

“It is therefore, humbly prayed that Your Lordships would graciously be pleased to issue rule upon the respondents to show cause as to why the respondents should not transmit all records relating to the case of the petitioner.

AND

As to why a writ in the nature of certiorari should not be issued quashing/setting aside the notification vide No.46(176)-ICDS/SWE/2012/1557(94) dated 07.07.2012 issued by the respondent No.2, memorandum vide No. F.46(54)-ICDS/SWE/2015/7780 (69) dated 15.05.2015 issued by the respondent No.3 whereby age of retirement of AWWs & AWHs was fixed on attaining 60 years and the notice of retirement vide No.F.5(8)/ESTT.RNP/2011/718 dated 08.12.2021 issued by the respondent No.6 whereby it was informed that the petitioner will

retire from honor. Service in the afternoon of 31.12.2021 (i.e. beyond 60 years of age).

AND

As to why a writ in the nature of mandamus should not be issued directing the State respondents to reinstate the petitioner in service to the post of Anganwadi Helper and allow her to continue service in the post of Anganwadi Helper (AWH) till she attains 65 years of age.

The case of the petitioner is that the Ministry of Women and Child Development, Government of India after consultation with all the states decided that the maximum age limit for discontinuation of service to the post of AWW/AWH is 65 years and even most of the states on the basis of said order the age of disengagement of AWW/AWH is fixed at 65 years but the state respondents without considering the guidelines of the Ministry of Women and Child Development, Government of India fixed the maximum age of disengagement of AWW/AWH at 60 years, even some of the AWW/AWH discontinued from their service after attaining more than 66 years of age but in the case of petitioner, the State respondents issued a notice of retirement dated 08.12.2021 and disengaged the petitioner from her service as AWH w.e.f. 31.12.2021 after completion of 60 years which is gross violation of the memorandum issued by Government of India as well as Article-14 of the Constitution of India.

Hence, the present petition has been preferred by the petitioner before this Court for redress.

In view of above, without expressing any opinion on merits, this Court is of the considered opinion that ends of justice would be met if the writ petition is disposed of directing the respondents to consider the representation of the petitioner in accordance with law. Thus, the petitioner is at liberty to file a representation before the concerned respondent along with all relevant documents for proper adjudication and the respondent thereafter, shall consider the case of the petitioner, following the due process of law.

CHIEF JUSTICE [ACTING]