

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.787 OF 2022**

Smt. Mamata Sarkar
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. S. Datta, Advocate.
For the Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. D. Sharma, Addl. G.A.

24.03.2023

Order

The brief fact of this case is that the Petitioner joined as Anganwadi Helper and on 30.06.2021, the petitioner as per AWW/AWH policy retired at the age of 60. When the petitioner attained 60 years, State Respondent on 30.03.2021, 05.07.2021, 30.09.2021, and 01.01.2022 issued memorandum whereby the petitioner was appointed as a substitute of Anganwadi Helper. From the said Memo it is specifically stated that engagement is purely temporary basis and the said engagement can be terminated at any time. The Central Government vide communication No.1-8/2021-CD dated 22.10.2012 fixed the upper age limit of AWW/AWH at 65 years. Since the Integrated Child Development Scheme is a Centrally sponsored scheme and Govt. of India vide its communication being No.1-8/2012-CD dated 22.01.2023 specifically

stated to the State Government to fix 65 years as the age of superannuation of AWW/AWH and therefore, the State Respondents are bound to follow the same.

Hence the petitioner has filed this instant writ petition praying for the following reliefs:-

- " i. Admit the petition of the petitioner.*
- ii. Issue Notice upon the respondents.*
- iii. Call for records relevant to the subject matter.*
- iv. Issue Writ setting aside/quash the Notification No.46(176)-ICDS/SWE/2012/1557(94) dated 07.07.2012 (Annexure-7) & Memo No.1(22)/CDPO/AGT-2/2017-18/64(5) dated 19.04.2021(Annexure-1) and also prohibit the respondents or each of them from giving effect to the said Notification in any manner whatsoever.*
- v. Issue Writ directing the respondents or each of them to allow the petitioner to continue her service as an Anganwadi Helper till 65 years as per policy adopted by Respondent No.5 vide communication being No.1-8/2012-CD dated 22.10.2012 (Annexure-6);*
- vi. Pass an interim Order directing the respondents or each of them to allow the petitioner to continue in service as AWH till disposal of the writ petition.*
- vii. Pass such further order or orders, direction or directions as the Hon'ble Court may deem fit and proper having regards to the circumstances of the case."*

Heard Mr. S. Datta, learned counsel appearing for the petitioner as well as Mr. B. Majumder, learned Deputy SGI for the Union-respondent, and Mr. D. Sharma, learned Addl. G.A. for the State-respondents and perused the evidence on record.

This instant writ petition is disposed of giving liberty to the petitioner herein to file a representation before the respondents agitating her grievance. The petitioner shall also place any other material including the Judgment of this Court in support of her claim before the respondents. On receipt of the same, the respondents

shall consider the same in accordance with law within a period of 3(three) months from the receipt of the copy of this order.

With the above observation and direction, this instant writ petition stands disposed of. As a sequel, pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)

suhanjit

