

GAHC010014262023



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

Case No. : WP(C)/511/2023

MAMPI DAS
W/O- SADACHARI DAS,
VILL- CHANDRAPUR PART-I,
P.O.- CHANDRAPUR,
DIST.- HAILAKANDI, ASSAM,
PIN- 788163.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
SOCIAL WELFARE DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DIRECTOR
WOMEN AND CHILD DEPARTMENT
ASSAM
UZANBAZAR
GUWAHATI- 781001.

3:THE DISTRICT SOCIAL WELFARE OFFICER
HAILAKANDI
P.O./P.S./ DIST.- HAILAKANDI.

4:THE CHILD DEVELOPMENT OFFICER (CDPO)
ICDS PROJECT
KALIBARI ROAD
HAILAKANDI
P.O./P.S./ DIST.- HAILAKANDI
PIN- 788150.

5:SMTI. SWAPNA DAS

W/O- PRODIP DAS
WORD NO.4 LALA
HOUSE NO. 610
P.O/P.S.- LALA
DIST.- HAILAKANDI
ASSAM
PIN- 788163

Advocate for the Petitioner : MR. A H ALAMGIR

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 03-02-2023

Heard Mr. AH Alamgir, learned counsel for the petitioner, who submits that the petitioner had taken part in the selection process for promotion to the post of Anganwadi Worker from the post of Anganwadi Helper, in respect of No. 32 Chandrapur-I AWC, in pursuance to the advertisement dated 23.06.2022 issued by the CDPO, Lala ICDS Project, Hailakandi (respondent No. 4)

2. The grievance of the petitioner is that the respondent No. 5, who is an outsider, has been selected for promotion as Anganwadi Worker for No. 32 Chandrapur-I AWC.

3. The petitioner's counsel submits that in terms of the guidelines laid down by the State Government, the Anganwadi Worker has to be a resident of the same revenue village in which the Anganwadi Centre is located, which condition

the respondent No. 5 does not fulfil. He accordingly, submits that the appointment of the respondent No. 5 should be set aside and the petitioner should be appointed to the said post.

4. Mr. D Borah, learned counsel appearing for the respondent Nos. 1 to 4 submits that the question of whether the respondent No. 5 is an outsider is a disputed question of fact, which can be decided by the District Social Welfare Officer, Hailakandi, inasmuch as, the appointment order has been given by the respondent No. 4. He accordingly, submits that the petitioner may submit a representation to the District Social Welfare Officer, Hailakandi, who shall then take a decision on the same.

5. I have heard the learned counsels for the parties.

6. The issue raised by the petitioner is a disputed question of fact. Secondly, the issue with regard to the number of candidates who took part in the selection process for promotion to the post of Anganwadi Worker for No. 32 Chandrapur-I AWC would also have to be determined, in case the issue raised by the petitioner is decided in favour of the petitioner, inasmuch as, the person, who secured the 2nd position in the merit list would have to be considered for the said post.

7. In that view of the petitioner, the District Social Welfare Officer, Hailakandi is directed to examine the matter and take a decision as to whether the respondent No. 5 is an outsider and pass necessary orders thereafter. The

District Social Welfare Officer, Hailakandi is directed to take a decision on the same, within a period of 2 (two) weeks from the date of receipt of a certified copy of this order along with a copy of the writ petition.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant