

GAHC010015992023



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

Case No. : WP(C)/490/2023

CHAILISH PUSSAIN
D/O- MARESH PUSSAIN,
VILL- VERNERPUR KHASIA PUNJEE (KURTA TILLA),
P.O- VERNERPUR,
DIST- HAILAKANDI, ASSAM, PIN-788163

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
SOCIAL WELFARE DEPARTMENT
DISPUR, GHY-06.

2:THE DIRECTOR
WOMEN AND CHILD DEPARTMENT

ASSAM
UZANBAZAR
GHY-01.

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-78815

Advocate for the Petitioner : MR. A H ALAMGIR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 26/06/2023

Heard Mr. A. H. Alamgir, learned counsel for the writ petitioner. Also heard Mr. T.C. Chutia, learned Additional Senior Government Advocate, Assam, appearing for the respondents, who has referred to the affidavit filed on behalf of the department to submit that the engagement of the petitioner was not in accordance with law and, therefore, her service tenure as Anganwadi Helper, if any, cannot be recognized for the purpose of upgradation/promotion to the post of Anganwadi Worker.

Mr. Alamgir on the other hand, submits that his client has rendered voluntary service for more than 12 years and, therefore, she would be entitled for consideration for promotion/upgradation to the post of Anganwadi Worker. In support of his above argument, the petitioner's counsel has invited the attention of this Court to the order dated 12/07/2010 issued by the Child Development Project Officer (CDPO), Lala ICDS Project, Hailakandi, to submit that the petitioner was originally appointed under the order issued by the CDPO of Lala ICDS Project. Although, there is no written order of extension of her service, yet, she has been allowed to continue to render her voluntary service since the date of appointment till today.

Contending that the petitioner is the only candidate from the Pusain community and is a permanent resident of the locality, he submits that her case deserves to be considered for upgradation/ promotion to the post of Anganwadi Worker, moreso, since she has been rendering her voluntary service both in the post of Anganwadi Helper /Anganwadi Worker till date.

The question that would arise for consideration in this case is as to whether, since the

engagement of the petitioner as Anganwadi Helper vide order dated 12/07/2010, has she been rendering her voluntary service as Anganwadi Helper under the Lala ICDS Project. If that be so, it *prima* facie appears that the petitioner would have acquired the eligibility for being considered for promotion/upgradation to the next higher post of Anganwadi Worker. It is, however, not the case of the petitioner that any advertisement has been issued by the authorities for filling up the post of the Anganwadi Worker under the Lala ICDS project wherein, her candidature has been rejected. The issue would, however, call for determination by the departmental authorities.

I, therefore, dispose of the writ petition by granting liberty to the petitioner to file appropriate representation before the respondent no. 2, along with a certified copy of this order and the supporting documents, so as to establish her claim that she has been continuously rendering her voluntary services as Anganwadi Helper under the Lala ICDS project since 12/07/2010.

On receipt of such representation, the Director of Women and Child Development Department, Assam i.e. the respondent no. 2 shall cause an enquiry to be made on the claim of the petitioner and thereafter, pass appropriate order addressing her grievance.

If it is found that the petitioner has been continuously rendering her voluntary service as Anganwadi Helper under the Lala ICDS project for more than 10 years and she meets the other eligibility requirements for being appointed as Anganwadi Worker, her case shall be considered in accordance with law, as and when proper advertisement is issued by the department on that behalf.

The above exercise be carried out and completed within three months from the date of receipt of the representation, to be submitted by the writ petitioner.

With the above observation, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant