

GAHC010024982023



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

Case No. : WA/50/2023

MUSTT. JINNATARA BEGUM
W/O LATE SANARAM NEOG,
C/O HEAD QUARTER, S.B. ORGANIZATION,
ASSAM, KAHILIPARA, GUWAHATI- 19.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
SOCIAL WELFARE DEPTT., DISPUR, ASSAM, GUWAHATI- 6.

2:THE DIRECTOR OF SOCIAL WELFARE DEPARTMENT
ASSAM
UZANBAZAR
GUWAHATI- 1.

3:THE DISTRICT SOCIAL WELFARE OFFICER
NAGAON
DIST.- NAGAON
ASSAM.

4:THE SELECTION COMMITTEE
FOR THE SELECTION OF ANGAMWADI WORKER
RAHA ICDS PROJECT
P.O.- RANGJULI
DIST.- GOALPARA
ASSAM.

5:THE CHILD DEVELOPMENT PROJECT OFFICER
DUDHNOI ICDS PROJECT OFFICER
P.O.- RANGJULI
DIST.- GOALPARA

ASSAM.

6:JESMIN SULTANA
W/O MD. NURUL HOQUE
R/O SENGAJAN
P.O. BAJBATMARI
MOUZA- JARABARI
P.S. KAMPUR
GP- AMTOLA
UNDER KAPILI I.C.D.S. PROJECT
DIST- NAGAON
ASSAM

For the appellant : Mr. M.H. Ahmed,
Mr. I. Amin, Advocates

For the respondents : Ms. S. Konwar,
Junior Government
Advocate, Assam

– B E F O R E –

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KARDAK ETE

15-03-2023

S. Mehta, C.J.

This intra-Court writ appeal is directed against the order dated 05.01.2023 whereby, the learned Single Bench of this Court dismissed the writ petition, being, WP(C) 2847/2015 preferred by the writ petitioner and her prayer to set aside the appointment of the respondent No.6 as an Anganwadi Worker in the Chengajan Goroimari Anganwadi Centre and to initiate fresh selection for the said post was turned down.

We have heard and considered the submissions advanced at the Bar and have gone through the impugned order and the materials placed on record. The fervent

contention of Mr. M.H. Ahmed, learned counsel representing the writ petitioner/appellant was that the certificate/report dated 22.01.2014 on the basis whereof, conclusion was arrived at by the learned Single Bench regarding the petitioner not being the resident of the concerned Anganwadi Centre area is not compliant of the requirement of applicable procedure. He urged that the report of the Circle Officer dated 22.01.2014 was not based on his own observations but was rather based on the fact finding report of the CDPO. However, according to the learned counsel for the appellant, the CDPO was not competent to give a report regarding residence of the appellant/writ petitioner. He further submitted that the report dated 22.01.2014 is contrary to the earlier reports issued by the competent authorities. He thus, urged that the Writ Court was not justified in turning down the prayer made by the writ petitioner on the ground that the same was based on disputed questions of facts.

Per contra, learned Government Advocate, Assam justified the order passed by the learned Single Judge.

We have given our thoughtful consideration to the submissions advanced at the Bar and have gone through the impugned order and the materials placed on record. Under clause 2(A)(iii) of the Notification dated 19.09.2009 prescribing the terms and conditions for selection of Anganwadi Workers and Helpers issued by the Commissioner & Secretary to the Government of Assam, Social Welfare Department, the educational qualification is stipulated as HSLC/MHSLC examination passed from the Board of Secondary Education or its equivalent examination from a recognized Board by the Government of Assam only. If such qualified candidate is not available, candidates with qualification read up to class IX will be considered. Admittedly, the appellant was not having the qualification of HSLC whereas the respondent No.6 was having such qualification. Multiple rounds of litigation took place *qua* the post in question and finally, the dispute regarding confirmation of the residential status of the two aspirants to the single post of Anganwadi Worker in Chengajan Anganwadi Centre

was referred to the Circle Officer, Raha Revenue Circle who got conducted a thorough enquiry and issued the report dated 22.01.2014 concluding that the residence of Smt. Jinnatara Begum falls outside the Chengajan Anganwadi Centre and that of Smt. Jesmin Sultana falls inside the said Anganwadi Centre. The competent authorities accepted the report dated 22.01.2014 and appointed the respondent No.6 as the Anganwadi Worker in the said centre. We are of the view that the decision so taken by the respondent authorities was based on thorough evaluation of the factual materials collected during the course of enquiry of the rival claims.

As a consequence, there being ample material on record to satisfy the Court that the respondent No.6 was a resident of the Anganwadi Centre Area concerned and she was the only qualified candidate for the post of Anganwadi Worker, hence the claim of the writ appellant herein was rightly rejected by the learned Single Judge vide order dated 05.01.2023 which is assailed in this writ appeal. Resultantly, we find no merit in this appeal which is dismissed as such.

No orders to as to costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant