

GAHC010126752020



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

Case No. : WP(C)/3778/2020

PRATIBHA BAISHYA @ PRATIVA BAISHYA
W/O- SRI PHANIDHAR BAISHYA, R/O- VILL- HABALKHA, P.O. HABALKHA,
P.S. HAJO, DIST.- KAMRUP (R), ASSAM, PIN- 781102

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY-06

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZAN BAZAR
GHY-01

3:THE DISTRICT SOCIAL WELFARE OFFICER
HAJO
P.O. HAJO
DIST.- KAMRUP (R)
ASSAM
PIN- 781102

4:THE CHILD DEVELOPMENT PROJECT OFFICER
HAJO
ICDS PROJECT
HAJO
KAMRUP
P.O. HAJO
DIST.- KAMRUP (R)
ASSAM
PIN- 78110

Advocate for the Petitioner : MR. B KUMAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

09.08.2023

Heard Mr. B. Kumar, learned counsel for the petitioner. Also heard Mr. T.C. Chutia, learned Addl. Senior Government Advocate for the State.

2. This writ petition has been filed by the petitioner who is working as Anganwadi Worker at Kathalghupa Centre No. 198 under Hajo ICDS Project in the district of Kamrup. She was appointed on 21.01.1991 and since then she has been discharging her duties sincerely to the satisfaction of the higher authorities. The petitioner had also completed the required training for Anganwadi Training Courses. According to the petitioner, as per the guidelines circulated vide Notification No. SWD. 198/2004/222 dated 04.06.2012, there is a provision for promotion to the post of Supervisor and 25% of the posts of Supervisors are reserved for promotion from Anganwadi Workers. The details of the procedure and the eligibility are prescribed under the said guidelines.

3. The learned counsel for the petitioner submits that although persons who are appointed subsequent to the petitioner were considered for promotion and appointed as Supervisors, however, the petitioner's claim for consideration of her case for promotion to the next higher grade of Supervisors have always been overlooked. The petitioner has filed representations before the authorities which have remained unattended. Therefore, the petitioner has approached this Court praying for a direction to the respondents to consider her case for promotion to the post of Supervisors which are stated to be lying vacant under the Department.

4. Mr. T.C. Chutia, learned Addl. Sr. Government Advocate submits that the petitioner perhaps did not apply in the prescribed format at the time when the process for promotion had been initiated by the Department. He, however, submits that the affidavit on behalf of the Department can be filed within a period of two weeks.

5. Having heard the learned counsels for the parties, this Court is of the view that the prayer of the petitioner is limited to the extent that her case should be considered for promotion to the post of Supervisors which are lying vacant under the Department of Social Welfare. The representation stated to be filed by the petitioner is also enclosed to the writ petition and which is stated to have not been considered as yet.

6. Upon due perusal of the pleadings as well as a careful perusal of the Notification dated 04.06.2012, it is seen that there is a quota earmarked for promotion to the post of Supervisors from Anganwadi Workers. The said Notification lays down the norms and guidelines for selection of candidates for appointment/promotion to the post of Supervisors against 25% reserved quota from amongst the in-service Anganwadi Workers. If that be so and as the petitioner is an in-service Anganwadi Worker, the Department is required to consider the case of the petitioner for promotion against the 25% reserved quota for the next higher post of promotion to the post of Supervisor.

7. The Notification No. SWD. 198/2004/222 dated 04.06.2012 has not been disputed by the learned Addl. Sr. Govt Advocate.

8. Considering the prayers and the submissions made by the petitioner, this Court is of the view that the writ petition can be disposed of with a direction to the respondent authorities to consider the case of the petitioner in terms of the norms and guidelines prescribed vide Notification No. SWD. 198/2004/222 dated

04.06.2012. The petitioner's case will be considered along with all other candidates for her due selection for promotion to the post of Supervisor as against the reserved quota of 25% as specified. If the petitioner is found to be eligible for the said post then the Department will consider her case and thereupon pass necessary orders promoting her to the next higher post of Supervisor.

- 9.** With the above observations, the writ petition stands allowed to that extent.
- 10.** The directions of this Court shall be complied with by the Department within a period of 60 days from the date of receipt of certified copy of the order.
- 11.** A copy of the Notification dated 04.06.2012 is retained in the court file.
- 12.** The writ petition is allowed and disposed of in terms of the above.

JUDGE

Comparing Assistant