

GAHC010182022012



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

Case No. : WP(C)/569/2012

SMTI MAROMI BORAH
D/O SRI GANGA BORAH, R/O MURABOSTI, PACHIM JINGIA, P.O. JINGIA,
DIST- SONITPUR, ASSAM, PIN-784184

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER and SECRETARY TO THE GOVT.
OF ASSAM, SOCIAL WELFARE DEPARTMENT, DISPUR, GHY-6

2:THE DIRECTOR OF SOCIAL WELFARE

ASSAM
UZANBAZAR
GHY-1

3:THE DISTRICT SOCIAL WELFARE OFFICER

TEZPUR
SONITPUR

4:THE SELECTION COMMITTEE
REPRESENTED BY THE MEMBER SECRETARY
THE CHILD DEVELOPMENT PROJECT OFFICER
BAGHMARA ICDS PROJECT
DIST- SONITPUR
ASSAM

5:THE CHILD DEVELOPMENT PROJECT OFFICER
BAGHMARA ICDS PROJECT
DIST- SONITPUR
ASSA

Advocate for the Petitioner : MR.N BORAH
Advocate for the Respondent : SC, SOCIAL WELFARE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 18-07-2023

Heard Mr. N. Borah, learned counsel for the writ petitioner. Also heard Mr. R. Dhar, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondent Nos. 1 to 5.

The writ petitioner herein had participated in the selection process initiated by the departmental authorities based on an advertisement notice issued by the respondent No. 5 in the month of September, 2009 for filling up the post of Anganwadi Worker at Murabosti Anganwadi Centre at Sl. No. 26 under the Baghmara ICDS Project under Sonitpur district. The writ petitioner had accordingly appeared in the interview on 10-12-2009.

The grievance of the petitioner is that although the respondent had declared the result of the selection process conducted for recruitment of Anganwadi Worker/ Helper for the other Anganwadi Centres covered by the advertisement notice, the results of the selection process undertaken for filling up the post of Anganwadi Worker at the Murabosti Anganwadi Centre at Sl. No. 26 has not been declared till today. Hence, this writ petition.

Mr. Borah, learned counsel for the petitioner submits that the writ petitioner seeks a direction from this Court upon the respondents to declare the results of the selection process conducted in the year 2009 and thereafter, to appoint her as Anganwadi Worker.

I find from the record that this writ petition was instituted way-back in the year 2012 and there is no order of this Court extending the validity of the selection process. Situated thus and regardless of the performance of the petitioner, select list, if any, prepared in the year 2009, for recruitment in the post of Anganwadi Worker at Sl. No. 26 Murabosti Anganwadi Center, in the opinion of this Court, would not be valid today after a lapse of nearly 14 years. Under the circumstances, no writ of mandamus, as prayed for, can be validly issued by this Court so as to grant relief to the petitioner, inasmuch as the respondents cannot be directed to publish or operate a select list, prepared on the basis of interviews conducted in the year 2009.

Although the respondents have not filed any counter affidavit, yet, in view of the observations made above, if the post of Anganwadi Worker in the Sl. No. 26 Murabosti Anganwadi Centre is still lying vacant, it will be incumbent upon the respondent authorities to fill up the said post by following the due process of law and by issuing fresh advertisement. In doing so, if the petitioner is found to be eligible for appointment in the said post as on the date of issuance of a fresh advertisement, her candidature would have to be considered in accordance with law.

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

JUDGE

GS

Comparing Assistant