

GAHC010212852021



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

Case No. : WP(C)/7299/2021

BABLI RANI NATH
W/O BINOY NATH, ANGANWADI WORKER, MADHURBOND NATHPARA
ANGANWADI CENTRE, R/O VILL MADHURBOND, DIST KARIMGANJ,
ASSAM, 788724

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
DEPARTMENT OF SOCIAL WELFARE DISPUR, GUWAHATI, ASSAM, PIN
781006

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZAN BAZAR
GUWAHATI
ASSAM
PIN 781001

3:THE DISTRICT SOCIAL WELFARE OFFICER
KARIMGANJ
DIST KARIMGANJ
ASSAM

4:THE PROGRAM OFFICER
DIVISIONAL ICDS CELL
CACHAR
SILCHAR
ASSAM

5:THE CHILD DEVELOPMENT PROJECT OFFICER
PATHARKANDI ICDS PROJECT

PATHARKANDI
DIST KARIMGANJ
ASSAM

6:MANIKA RANI NATH
W/O BIPUL CH NATH
ANGANWADI WORKER
KHILARBOND MADHURBOND ANGANWADI CENTRE (NO. 80 AWC)
VILL MADHURBOND
PO BHURUNGA
PS PATHARKANDI
DIST KARIMGANJ
ASSAM
PIN 788724

7:DIPALI NATH
S/O APU NATH
ANGANWADI WORKER
MADHURBODN LP SCHOOL ANGANWADI CENTER
VILLMADHURBOND
PO BHURUNGA
PS PATHARKANDI
DIST KARIMGANJ
ASSAM
PIN 78872

Advocate for the Petitioner : MR. A K DUTTA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

17.01.2023

Heard Mr. B. Purkayastha, learned counsel for the petitioner and Mr. R. Dhar, learned Addl. Senior Govt. Advocate appearing for the respondent Nos. 1, 2, 3, 4 & 5. Also heard Mr. O. Laskar, learned counsel for the respondent Nos. 6 & 7.

[2.] The controversy raised in the present writ petition is as to where the petitioner should

serve as Anganwadi Worker. According to the petitioner, she has been appointed as Anganwadi Worker at Madhurbond Nathpara Anganwadi Centre after undergoing selection process vide Communication dated 23.12.2009 (Annexure-1). She accordingly joined the said Centre but subsequently, according to the petitioner she was asked to perform her duties at Madhurbond L.P. School Anganwadi Centre under the verbal instructions of the CDPO, Patherkandi.

[3.] The respondents have replied to the allegation of the petitioner by filing affidavit stating that it is the petitioner herself who shifted her work place to Madhurbond Centre No. 80, which is located in the L.P School premises. It has been further alleged that on account of the vested interest of the petitioner, she has been receiving the honorarium, the supplementary nutrition programme and other Anganwadi materials from Madhurbond Nathpara Anganwadi Centre and distributing the same to beneficiaries of 80 No. Madhurbond Anganwadi Centre. Therefore, the CDPO concerned after receiving various public complaints, instructed the petitioner to discharge her duties as Anganwadi Worker in No. 261 Madhurbond Nathpara Anganwadi Centre vide Communication dated 15.05.2017. A similar order was also issued by the CDPO, Patherkandi on 21.12.2019 directing the petitioner to resume her work at Anganwadi Centre No. 261 Madhurbond Ward No. 6.

[4.] Be it stated herein that although the appointment order of the petitioner does not specify the Ward number to the Centre to which she is appointed but it is not disputed by the parties that Madhurbond Nathpara Centre No. 261 is located in Ward No. 6 while Madhurbond Anganwadi Centre L.P. School is located in Ward No. 5 as Centre No. 80. The petitioner in her writ petition has prayed for a direction to the State respondents to allow her to discharge her duties as Anganwadi Worker at Madhurbond Anganwadi Centre under the jurisdiction of the

CDPO, Patherkandi, which is Center No. 261. Similarly, by the orders impugned by the petitioner, she has been asked to discharge her duties in No. 261 Madhurbond Nathpara Anganwadi Centre where she was originally engaged. Such being the position, without further dwelling upon the respective allegations of the parties, the writ petition is disposed of with a direction to the respondent authorities to allow the petitioner to work as Anganwadi Worker in Centre No. 261 at Ward No. 6 namely, Madhurbond Nathpara Anganwadi Centre. It is also made clear that if the petitioner had been working at Centre No. 80 in Ward No. 5, she shall immediately cease to do so and start functioning in terms of her original appointment order. The respondent authorities shall also examine the claim of the petitioner of having not received her salary since the filing of the writ petition. If it is found that the petitioner has been discharging her duties in either of the Anganwadi Centre concerned, the authorities shall do the needful.

[5.] With the above observations and directions, the writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant