

GAHC010225802021



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

Case No. : WP(C)/47/2022

SOFIA KHATUN AND ANR
W/O SHURUZ UDDIN AHMED, RESIDENT OF VILLAGE GAREMARI GAON,
PO GAREMARI BAZAR, PS AND DIST BARPETA, ASSAM, 781314

2: MS. BIMALA KHATUN
W/O WAHAB ALI
RESIDENT OF VILLAGE DUTTAKUCHI
PO DHABALIA PARA
PS HOWLY
DIST BARPETA
ASSAM
781316

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF SOCIAL WELFARE, DISPUR, GUWAHATI
781006

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

3:THE DISTRICT SOCIAL WELFARE OFFICER
BARPETA
ASSAM 781301

4:THE CHILD DEVELOPMENT PROJECT OFFICER (CDPO)
BHAWANIPUR INTEGRATED CHILD DEVELOPMENT OFFICER

PO AND PS HOWLY
DIST BARPETA
ASSAM 781316

Advocate for the Petitioner : MR. M A SHEIKH
Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/66/2022

HASINA KHATUN
W/O- ABUL HUSSAIN
R/O- VILLAGE AND P.O- DABALIPARA
P.S- HOWLY
DIST- BARPETA
ASSAM
781316

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT OF SOCIAL WELFARE
DISPUR
GUWAHATI-781006

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZANBAZAR
GUWAHATI-781001
ASSAM

3:THE DISTRICT SOCIAL WELFARE OFFICER
BARPETA DISTRICT
P.O AND P.S- BARPETA
ASSAM
PIN- 781301

4:THE CHILD DEVELOPMENT PROJECT OFFICER (CDPO)
BHAWANIPUR
INTEGRATED CHILD DEVELOPMENT OFFICER
P.O AND P.S HOWLY
DIST- BARPETA
ASSAM
PIN-781316

Advocate for : MR. M A SHEIKH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

22.03.2023

Heard Mr. S. Z. B. Aklas, learned counsel for the petitioners. Also heard Mr. D. Nath, learned Senior Govt. Advocate, Assam appearing for the respondents in both the writ petitions.

The petitioner No.1 in WP(C) No.47/2022 is serving as an Anganwadi Helper under 231 No. Goremari Gaon Uttar Madhya Anganwari Center and was appointed on 23.12.2009, whereas the petitioner No.2 in WP(C) No.47/2022 was posted as an Anganwadi Helper under No.96 Duttakuchi 1 Anganwadi Center pursuant to her selection vide select list dated 12.11.2009. The petitioner in the other writ petition i.e. WP(C) No.66/2022 is serving as an Anganwadi Helper under No.90 Dabaliapara Anganwadi Center pursuant to her selection on 12.11.2009. According to the petitioners, they are eligible for being considered for promotion/ upgradation to the post of Anganwadi Worker. However, the respondents have not considered their cases for upgradation. It is also the case of the petitioners that by issuing advertisement notice dated 17.11.2021 the respondents are proposing to fill up all the posts of Anganwadi Workers without considering the petitioners' claim for upgradation to the post of Anganwadi Worker.

On instructions obtained by Mr. Nath, he submits that the petitioners are not holding any public office but the posts of Anganwadi Helper/ Anganwadi Workers are created under a scheme. Therefore, the question of promotion

would not ordinarily arise. However, the Anganwadi Helpers can be upgraded as Anganwadi Workers subject to fulfilling the requirements of Government notification dated 04.03.2013, which lays down the guidelines for doing so. According to Mr. Nath, the petitioners' cases can be considered for appointment/upgradation as Anganwadi Workers in respect of any of the Anganwadi Centers falling within the same revenue village where they are serving. Since the advertisement notice dated 17.11.2021 pertaining to the Anganwadi Centers are outside the revenue village in which the petitioners are serving, they cannot claim any right in respect of any of those Anganwadi Centers.

Mr. Aklas, learned counsel for the petitioners, has not disputed the aforesaid proposition of Mr. Nath made on the basis of the notification dated 04.03.2013. If that be so, rest of the contentions of the petitioners' counsel would be irrelevant in this case.

Having regard to the facts and circumstances of the case, both the writ petitions are being disposed of by directing the respondent authorities that as and when the process is initiated for filling up the post of Anganwadi Workers in any of the Anganwadi Centers within the revenue village in which the petitioners are serving, the cases of the respective petitioners for appointment/upgradation as Anganwadi Workers shall be considered in accordance with the guidelines laid down in the notification dated 04.03.2013.

With the above observation, the writ petitions stand disposed of.

JUDGE

Comparing Assistant