

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU.**

WP(C) No. 3254/2023

Afroza Akhter and Ors.

.... Petitioner(s)

Through :- Mr. N.D. Qazi, Advocate.

V/s

UT of J&K and Ors.

....Respondent(s)

Through :- Mr. Romesh Arora, Sr. AAG.

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

**ORDER
30.12.2023.**

In the instant petition, the petitioners herein are seeking direction upon respondents to consider the case of the petitioners in light of the judgment passed in SWP No. 62/2010 in case titled "*Raj Kumari v. State of J&K and Ors*" decided on 13.04.2023 and SWP No. 63/2010 in case titled "*Sumaira Sharief and Ors v. State of J&K and Ors*" decided on 15.03.2017.

It is stated that the petitioners participated in the selection process which was initiated by the respondents in the year 2008 for the post of Anganwadi workers for various anganwadi centres of ICDS Project, Ukhral Ramssoo, Ramban. The petitioners being fully eligible applied for the aforementioned posts in their respective angwand centres.

It is stated that advertisement notice of 2008, the official respondents have issued the select list vide No. DIPJ-3561 dated 22-09-2008 and the petitioners are figuring at serial nos. 4, 6 and 17.

It is stated that against the provisional select list, there has been certain complaints and the respondents issued Govt. Order No. 272-SW of "009 dated 15.12.2009 whereby the selection of anganwadi worker made in September/October, 2008 in Ramssoo/Ukhral, ICDS Project was cancelled and fresh applications were ordered to be invited. The selected candidates being aggrieved of the said action of the respondents have filed writ petition bearing SWP No. 62/2010 seeking quashment of Govt. Order No. 272/SW of 2009. It is stated that the writ petitions were disposed of in terms of judgment dated 15.03.2017. The paras 16 and 17 of judgment dated 15.03.2017 is reproduced as under:-

“16. Now, the question is what is now to be done by the respondent authorities. The respondents authorities in effect shall direct the constituted Select committee to ascertain as to whether they have followed the procedure and notified criteria while awarding marks to the candidates during the course of the interview, if yes, then they have to proceed further on that basis, otherwise they shall hold the interview afresh of all such candidates.

17. While proceeding further in pursuance to the process of selection initiated vide advertisement notice of 2008, the constituted committee shall strictly adhere to the norms, criteria and the object of the scheme and to finalize the process of selection within a period of two months.”

Learned counsel for the petitioners states that the petitioners The petitioners have also filed representation dated 24.05.2023 and have approached the respondents for treating the petitioners at par with the petitioner in writ petition No. 63/2010 but no heed has been paid to the request of the petitioners which has compelled them to approach this Court by filing this writ petition.

Mr. Romesh Arora, learned Sr. AAG has stated at bar that he has been instructed to make a statement before the Court that not only the petitioners in the writ petition No. 63/2010 are to be considered but all the candidates who figured in the provisional select list would be considered by the committee constituted vide Govt. Order dated 6/12/2023.

Be that as it may, the instant petition is disposed of with a direction to the respondents to consider the claim of the petitioners for the post of aganwadi Worker in Anganwadi centres of ICDS Project, Ukhral Ramsoo, Ramban, they had applied for strictly in terms of judgment dated 15.03.2017 passed in SWP No. 63/2010 in case titled *“Sumaira Sharief and Ors v. State of J&K and Ors.”*

(Moksha Khajuria Kazmi)
Judge

Jammu:
30.12.2023
Neha-1

Whether the order is reportable: Yes/No