

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

SWP No. 719/2013

IA No. 991/2013

Bandana Devi, Age 27 years
W/o Sh. Baldev Singh
R/o Village Hartaryan, W. No. 4 (Ora)
Tehsil and District Udhampur

....Petitioner(s)/Appellant(s)

Through :- Mr. Pankaj Dubey, Advocate.

V/s

1. State of Jammu and Kashmir through
Commissioner/Secretary, Department of Social
Welfare, Civil Secretariat, Jammu
2. Director, Department of Social Welfare,
Jammu
3. District Programme Officer, (Chairman
Selection Committee), ICDS Projects, District
Udhampur
4. Child Development Project Officer, (Member
Secretary), ICDS Project, Tehsil Udhampur, Distric
Udhampur.
5. Nisha Rani W/o Sh. Vinod Kumar R/o Villag
Kambal Danga (W. No.1), Tehsil Udhampur.

....Respondent(s)

Through :- Mr. Ramesh Arora, AAG.

Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

(Through Virtual Mode)

ORDER

16.09.2023

1. The petition in hand has been filed by the petitioner challenging the order passed by respondent no.4 bearing No.88 CDPO of 2012 dated 29th of August 2012, whereby respondent no.5 has been engaged as Anganwadi Worker in Anganwadi Center Ora Ward No.4, Pachayat Hartaryan in ICDS Project Udhampur. The petitioner has also sought a direction to the respondents for engaging/appointing the petitioner against the post of Anganwari Helper at

Anganwari Center Ora, Ward No.4, of village Hartaryan Tehsil Udhampur, District Udhampur.

2. Official respondents 1 to 4 have filed their objections and perusal of the said objections would show that the name of respondent no.5 had been shown both in the voter list of ward no. 1 and ward no.4. However, after verification by the Patwari concerned, it is established that respondent no.5 belongs to ward No.04 of village Hartaryan, Tehsil and District Uhampur and her name in the voter list of Ward No.01 stood deleted.

3. It is averred in the objections that the selection of private respondent was withheld on account of objections raised by the writ petitioner. However, the appointment order/engagement order was issued in favour of the respondent no.05 after getting her residence verified from the competent authority.

4. Per contra, it is the submissions of learned counsel for the petitioner that it is not correct that the selection of the private respondent no.5 was withheld and there is no such enquiry got conducted by the official respondents for ascertaining the residence of the private respondent. It is submitted that objections raised by the petitioner have never been considered by the official respondents.

5. Heard and considered.

6. With the consensus of the learned counsel for the parties, this writ petition is disposed of by directing the official respondents to look afresh into the objections filed by the petitioner with regard to the engagement of private respondent no.5, provided objections raised by the petitioner are not considered by the official respondents, by giving reasonable opportunity of hearing to the effected parties. Let such enquiry, if any, be concluded within a period of six

weeks from the date copy of this order is made available by the petitioner to the competent authority.

7. With the aforesaid directions, the writ petition is disposed of.

(Tashi Rabstan)
Judge

Jammu:
16.09.2023
Raj Kumar

