

GAHC010005792014



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

Case No. : WP(C)/665/2014

BHANITA KAKATI ROY
W/O SRI KAILASH ROY, PATHSALA TOWN, P.S. PATACHARKUCHI, P.O.
PATHSALA, W/NO.3, DIST- BARPETA, PIN-781325

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
SOCIAL WELFARE DEPARTMENT, DISPUR, GHY-6

2:THE DIRECTOR OF SOCIAL WELFARE
GOVT. OF ASSAM
UZAN BAZAR
GHY-1

3:THE SELECTION COMMITTEE
HEADED BY ITS CHAIRMAN FOR SELECTION OF ANGANWADI WORKDER
OF NO.186 ANGANWADI CENTRE
PATHSALA
BAJALI ICDS PROJECT
BAJALI
DIST- BARPETA

4:THE CHILD DEVELOPMENT PROJECT OFFICER
BAJALI ICDS PROJECT
PATHSALA
BARPETA

5:DIPSIKHA DAS
W/O SRI AMARJYOTI DAS
W/NO.3
PATHSALA

DIST- BARPETA
ASSA

Advocate for the Petitioner : MR.R K TALUKDAR

Advocate for the Respondent : MR.R P GUPTA

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 21.03.2024

Heard Mr. A. Baruah, learned counsel for the petitioner. Also heard Ms. D. Das Barman, learned Standing Counsel appearing for the respondents no. 1 to 4.

None has appeared for the respondent no. 5.

The grievance raised in the present proceeding is with regard to the non consideration of the case of the petitioner for appointment/promotion as an Anganwadi worker in No. 186 Anganwadi Centre under Bajali ICDS Project. The petitioner herein was engaged as an Anganwadi helper in the said centre on 27.09.2007. The Anganwadi worker engaged in the said centre on resigning from the post, the petitioner was allowed to look after the works of the Anganwadi worker in addition to her assigned works as an Anganwadi helper. The petitioner, accordingly, was expecting that the

respondent authorities to promote her to the post of Anganwadi worker, considering the experience gathered by her against the post. However, the respondent authorities proceeded to issue an advertisement dated 12.11.2012 for filling up, amongst others, the post of Anganwadi worker as figuring in the said Anganwadi centre. The petitioner also filed her application in pursuance to such an appointment; however, it was the respondent no. 5, who came to be selected in pursuance to due process of selection. Being aggrieved, the petitioner has instituted the present proceeding.

The respondents by way of filing an affidavit in the matter have contended that the petitioner at the relevant point of time was not eligible for promotion to the post of Anganwadi worker inasmuch as she had not completed the requisite residency of 10 years of service as an Anganwadi helper inasmuch as, the petitioner had joined her services as an Anganwadi helper only in the year 2007.

With regard to the selection held in pursuance to the advertisement dated 12.11.2012, it was contended that the same was so conducted, strictly, in accordance with the procedure mandated and the respondent no. 5 having been found to be most suitable on merits, the respondent no. 5 came to be appointed as the Anganwadi worker of the said centre.

In view of the above position, the grievance raised by the petitioner in the present proceeding does not merit acceptance. However, Mr. A. Baruah, learned counsel for the petitioner has prayed before this Court to permit him to withdraw the writ petition with a liberty.

Accordingly, in view of the above, the writ petition stands dismissed

on withdrawal with a liberty granted to the petitioner to institute any further proceeding on a fresh cause of action arising in the matter.

JUDGE

Comparing Assistant