

GAHC010019252021



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

Case No. : WA/305/2022

FARIDA BEGUM
W/O MD. SOBIL UDDIN,
RESIDENT OF VILLAGE SADAR GAON RESERVE, PO NILBAGAN, PS
MURAJHAR, DIST NAGAON, ASSAM 782445.

VERSUS

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

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZANBAZAR
GUWAHATI 781001

3:THE PROGRAMME OFFICER
DIVISIONAL ICDS CELL. NAGAON
ASSAM

4:THE DISTRICT SOCIAL WELFARE OFFICER

DIST NAGAON
ASSAM.

5:THE CHILD DEVELOPMENT PROJECT OFFICER
BINNAKANDI ICDS PROJECT
DOBOKA
NAGAON
ASSAM.

6:MOMOTA YASMIN LASKAR
W/O FAKAR UDDIN BARBHUIYA

RESIDENT OF VILLAGE SADAR GAON
MUKAMTOLA
PS NILBAGA
PS MURAJHAR
DIST NAGAON
ASSAM. 782445

7:THE DEPUTY COMMISSIONER
HOJAI DISTRICT
DISTHOJAI
ASSA

Advocate for the Petitioner : MR. R PHUKAN,

Advocate for the Respondent : MS. S. KONWAR JR. GA, ASSAM,
MS. M. BORDOLOI, ADVOCATE.

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 22-08-2024

(Vijay Bishnoi, CJ)

This Writ Appeal is filed by the appellant, being aggrieved with the order dated 25.11.2020, passed by the learned Single Judge in WP(C) No.2997/2015, whereby the Writ Petition filed by the appellant has been dismissed.

2. The brief facts of the case are that the appellant and the Respondent No.6 herein have appeared in the selection process of Anganwadi Worker for Centre No.4 of Sadar Gaon Reserve Mini Anganwadi Centre, Nagaon, pursuant to the Advertisement dated 27.01.2014. In the selection proceedings, pursuant to the said advertisement, the appellant was selected as Anganwadi Worker for the Centre No.4 of Sadar Gaon Reserve Mini Anganwadi Centre.

3. The Respondent No.6 herein has challenged the selection of the appellant as Anganwadi Worker for the Centre No.4 of Sadar Gaon Reserve Mini Anganwadi Centre, on the ground that she is not a resident of that area. The Writ Petition preferred by her as WP(C) No.4580/2014 was disposed of by the learned Single Judge of this Court vide order dated 10.09.2014, with a direction to the Director of Social Welfare, Assam to examine whether the parties are residents of the Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre or not.

4. Pursuant to the said directions, the Director of Social Welfare, Assam has enquired into the matter and sought a report from the Program Officer. The Program Officer has submitted the report while concluding that the appellant is not a resident of the Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre but is the resident of the Centre No.85 of Sadar Gaon Reserve Mini Anganwadi Centre. It is also verified that the Respondent No.6 herein is the resident of the Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre.

5. After receiving the said report, the Director of Social Welfare, Assam has summoned the appellant as well as the Respondent No.6 herein. However, during the hearing before the Director of Social Welfare, the appellant has failed to produce any documents in support of her claim that she is the resident of Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre. The Director of Social Welfare, Assam vide order dated 29.04.2015, directed to release the appellant from service as Anganwadi Worker at Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre and has also ordered for appointment of the Respondent No.6 herein as Anganwadi Worker in the said Centre.

6. Being aggrieved with the same, the appellant has preferred the Writ Petition before the learned Single Judge, which came to be dismissed vide the

impugned order. Hence, the present Appeal.

7. The learned counsel for the appellant has frankly admitted that before the Director of Social Welfare, Assam, no documents has been produced by the appellant in support of her contention that she is the resident of the Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre. However, along with the Writ Petition, the appellant has annexed ten (10) documents, in support of her above claim. It is contended that the learned Single Judge has not taken into consideration those documents and has illegally concluded that a Writ Court is not equipped to decide the dispute raised and only the Civil Court is the appropriate authority to decide the said issue, as the same requires evidence.

8. Having heard the learned counsel for the appellant, we are of the view that the learned Single Judge has rightly come to the conclusion that the disputed questions of fact, particularly regarding the place of residence of the individual, is a question which requires evidence and certainly many a times, this Court is not equipped to decide such complicated question.

9. However, for the satisfaction of the appellant, we have also taken into consideration the documents produced by the appellant, along with the Writ Petition, in support of her claim that she is a resident of the Centre No.4 Sadar Gaon Reserve Mini Anganwadi Centre.

10. After perusal of the said documents, we do not find any document, which certifies that the appellant is the resident of Centre No.4 of Sadar Gaon Reserve Mini Anganwadi Centre, as in all the certificates, it is only certified that the appellant is the resident of Sadar Gaon Reserve Area but not concluding that the appellant is the resident of Centre No.4 Sadar Gaon Reserve Mini Anganwadi

Centre.

11. In such circumstances, we are of the opinion that no case for interference is made out. Hence, the Writ Appeal is dismissed.

12. Resultantly, the I.A. (Civil) No.2861/2022 is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant