

GAHC010068732023



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

Case No. : WP(C)/1942/2023

RIMA KALITA BHUYAN
W/O- SRI PROBIN BHUYAN,
VILL. AND P.O.- SALMARA,
P.S.- BONGAON,
DIST.- MAJULI, ASSAM,
PIN- 785110.

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
WOMEN AND CHILD DEVELOPMENT DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF WOMEN AND CHILD DEVELOPMENT ASSAM
UZANBAZAR
GUWAHATI-01.

3:THE PROGRAMME OFFICER
DIVISIONAL ICDS CELL
JORHAT
P.O.
P.S. AND DIST.- JORHAT

PIN- 785001.

4:THE CHILD DEVELOPMENT PROJECT OFFICER
MAJULI ICDS PROJECT
KAMALABARI
VILL. AND P.O.- KAMALABARI

DISTRICT- MAJULI
PIN- 785106.

5:THE CHILD DEVELOPMENT PROJECT OFFICER
UJONI MAJULI ICDS PROJECT
VILL. AND P.O.- JENGRAIMUKH

DISTRICT- MAJULI
PIN- 785106

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

01-05-2024

Heard Shri I. H. Saikia, learned counsel for the petitioner whereas Shri C. S. Hazarika, learned State Counsel appears for the respondents.

Considering the facts and circumstances of the case and the written instructions received by the learned State Counsel from the Divisional ICDS Cell, Jorhat, the instant writ petition is disposed of at the admission stage.

The facts projected are that the petitioner was appointed as an Anganwadi Helper in No. 5 Bechamora Salmara Anganbadi Center on 16.06.2009. There has been re-organization /rationalization of certain centers in the locality involving the Ujoni Majuli ICDS Project and Majuli ICDS Project, as a result of which, there is a vacancy in the post of Anganwadi Worker in the Borbuka Anganwadi Center. Though as per the petitioner, she was eligible to participate in such selection process, her applications were verbally rejected by the respective Project Officers and the petitioner was sought to be kept outside the purview of such selection process. As further application of the petitioner to the Director, Women and Child Development Assam failed to yield any results, the present writ petition has been filed.

The learned counsel Shri Saikia has submitted that there is no legal impediment for an Anganwadi Helper to participate in a selection process for Anganwadi Worker moreso when his client has fulfilled the requirements of the Guidelines. It is submitted that an Anganwadi Helper having 10 years of continuous service and is a matriculate who is below 45 years is eligible to participate in a selection for Anganwadi Worker as per guidelines dated 04.03.2013.

Shri Hazarika, the learned State Counsel has however fairly submitted that as per the instructions received including the views of the Program Officer, Divisional ICDS Cell, Jorhat, the petitioner has been held to be eligible to appear in such selection process as she fulfills the requirements of the Guidelines dated 04.03.2013.

In view of the aforesaid facts and circumstances and the written instructions placed by Shri Hazarika, the learned State Counsel, the instant writ petition is disposed of by directing the respondent nos. 4 and 5 to take on record the application/candidature of the petitioner for selection and appointment as Anganwadi Worker in the Borbuka Anganwadi Center, Majuli.

The petitioner is accordingly required to be given a fair opportunity of participation in the said selection and her candidature be considered at par with all other candidates.

Copies of the documents presented by the learned State Counsel is made part of the records.

JUDGE

Comparing Assistant