

GAHC010078282023



2024:GAU-AS:11668

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

Case No. : WP(C)/2099/2023

RUBIA SULTANA LASKAR
D/O- BASIR UDDIN LASKAR,
VILL.- NIMAICHANDPUR PART-I,
P.O.- NIMAICHANDPUR, P.S.- LALA,
DIST.- HAILAKANDI, ASSAM,
PIN- 788168.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
SOCIAL WELFARE DEPARTMENT, DISPUR, ASSAM, GUWAHATI-6

2:THE DIRECTOR OF SOCIAL WELFARE
UZANBAZAR ASSAM GUWAHATI-1.

3:DISTRICT SOCIAL WELFARE OFFICER
HAILAKANDI P.O. AND DIST.- HAILAKANDI
ASSAM PIN- 788151.

4:THE CHILD DEV. PROJECT OFFICER LALA ICDS PROJECT
DIST.- HAILAKANDI ASSAM PIN- 788163.

5:THE SUPERVISOR LALA ICDS PROJECT
DIST.- HAILAKANDI ASSAM PIN- 788163.

6:HAFIZA BEGUM LASKAR W/O- ABJOL HUSSAIN LASKAR
VILL- NIMAICHANDPUR PART-II P.O.- NIMAICHANDPUR
P.S.- LALA DIST.- HAILAKANDI ASSAM PIN- 788168

Advocate for the Petitioner : MR. S B LASKAR, MS D DUTTA, MS N KALITA, MR. H A LASKAR

Advocate for the Respondent : GA, ASSAM, MR. M H RAJBARBHUIYAN (R-6)

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

Date of hearing : 26.11.2024

Date of Judgment : 26.11.2024

Judgment & order(Oral)

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Heard Ms. S. B. Laskar, learned counsel, appearing on behalf of the petitioner. Also heard Mr. D. Bora, learned Government Advocate, appearing on behalf of respondents No. 1 to 5, and Mr. M. H. Rajbarbhuiyan, learned counsel, appearing on behalf of respondent No. 6.

2. The challenge in the present proceeding, is to the promotion effected in respect of the respondent No. 6, herein, to the post of Anganwadi Worker in 74 No. Nimaichandpur Anganwadi Centre under Lala ICDS Project.

3. As projected in the writ petition, the petitioner, herein, claims that she was engaged as an Anganwadi Helper vide order, dated 06.10.2004, at 74 No. Nimaichandpur Anganwadi Centre. The petitioner, herein, claims that she had continued to discharge her duties as an Anganwadi Helper since the date of her initial engagement. The Child Development Project Officer, Lala ICDS Project, had issued an advertisement, dated 22.06.2022, inviting applications from the eligible Anganwadi Helper for upgradation/promotion as Anganwadi Workers against the centres so notified in the said advertisement. One of the requisite criteria for being eligible to apply for the posts involved in the said advertisement is that the intending applicant should have minimum 10 years working experience as an Anganwadi Helper.

4. The respondent authorities had issued a Notification, dated 04.03.2013,

and therein, had laid down the guidelines for promotion of Anganwadi Helper to the post of Anganwadi Worker.

5. In terms of the said advertisement; both the petitioner, herein, as well as the private respondent No. 6, had submitted their respective applications and had participated in the selection process involved. It is contended that on conclusion of the said selection process, the names of the petitioner, herein, as well as the private respondent No. 6, were short-listed for appearing for a technical test which was scheduled on 25.07.2022.

6. It is contended by the petitioner, herein, that the respondent authorities without duly considering her merit and also her selection in the said selection process, had proceeded to appoint the private respondent No. 6, herein, to the post of Anganwadi Worker in 74 No. Nimaichandpur Anganwadi Centre.

7. Being aggrieved by the same; the petitioner has instituted the present proceeding.

8. Ms. Laskar, learned counsel for the petitioner, has submitted that the petitioner had acquired the requisite minimum length of service as an Anganwadi Helper for being considered for promotion against the post of Anganwadi Worker. It was further submitted that the petitioner, herein, on being required by the Centre authorities, was also holding the charge of the post of Anganwadi Worker of 74 No. Nimaichandpur Anganwadi Centre and accordingly, she has a better claim for promotion against the post of Anganwadi Worker in the said Anganwadi Centre.

9. Ms. Laskar, learned counsel for the petitioner, has also contended that the

promotion of the respondent No. 6, herein, as an Anganwadi Worker against the post available at 74 No. Nimaichandpur Anganwadi Centre, would require an interference from this Court, in-as-much as, the respondent No. 6, herein, is not a resident within the area of coverage of the said Anganwadi Centre.

10. Per contra, Mr. Rajbarbhuiyan, learned counsel for respondent No. 6, has submitted that in terms of the guidelines as notified for promotion to the post of Anganwadi Worker from the post of Anganwadi Helper vide Notification, dated 04.03.2013; for being eligible for promotion as an Anganwadi Worker, a candidate must have rendered at least 10 years of service as an Anganwadi Helper. Further, it is stipulated that the consideration of Anganwadi Helpers for promotion as Anganwadi Workers shall remain confined amongst the Anganwadi Centres situated in the same revenue village.

11. Mr. Rajbarbhuiyan, learned counsel for respondent No. 6, has further submitted that in pursuance of a selection process; the respondent No. 6 on being recommended by the selection committee, was appointed as an Anganwadi Worker by the Child Development Project Officer, Lala ICDS Project, vide communication, dated 12.03.2023, and she has been discharging her duties against the said post on voluntary basis since the date of her such promotion.

12. Mr. Rajbarbhuiyan, learned counsel for respondent No. 6, has also submitted that the petitioner is not entitled for being considered for promotion to the post of Anganwadi Worker in-as-much as, she was not appointed as an Anganwadi Helper through a selection process and her appointment was so made on adhoc basis initially for a period of 2(two) months and thereafter, continued from time to time.

13. In the above premises, Mr. Rajbarbhuiyan, learned counsel for respondent No. 6, has submitted that the promotion of the respondent No. 6 to the post of Anganwadi Worker, would not call for any interference.

14. I have heard the learned counsels appearing for the parties and also perused the materials available on record.

15. At the outset, it is to be noted that the petitioner, herein, was initially engaged as an Anganwadi Helper by the Child Development Project Officer, Lala ICDS Project, vide order, dated 06.10.2004; initially, for a period of 2 months at 74 No. Nimaichandpur Anganwadi Centre. The said engagement of the petitioner was extended for a further period of 2 months vide order, dated 03.02.2005. Thereafter, there is nothing brought on record by the petitioner to denote that the petitioner, herein, was being continued in her service, after a process of selection as mandated for engagement as an Anganwadi Helper, was so carried-out.

16. In the selection so held pursuant to the advertisement, dated 22.06.2022, it is seen that both the petitioner, herein, as well as the private respondent No. 6, had participated therein, and the selection committee had recommended the name of the private respondent No. 6, herein, for promotion against the post of Anganwadi Worker which was lying vacant at 74 No. Nimaichandpur Anganwadi Centre.

17. The petitioner, in the present proceeding, has not brought on record any material to demonstrate that the selection of the respondent No. 6 for promotion to the post of Anganwadi Worker was vitiated on any count and/or that the respondent No. 6, herein, was not eligible for holding the post of Anganwadi Worker, on promotion. The only contention raised by the petitioner in the present

proceeding is that she having been working at 74 No. Nimaichandpur Anganwadi Centre since the date of her initial engagement; she had a better claim for promotion to the post of Anganwadi Worker which had arisen in the said 74 No. Nimaichandpur Anganwadi Centre.

18. The said contention of the petitioner, would not merit acceptance in the light of the guidelines as notified vide the Notification, dated 04.03.2013, which mandates that the selection for promotion to the post of Anganwadi Worker existing in an Anganwadi Centre, would be so made by considering the cases of all eligible Anganwadi Workers serving in the Anganwadi Centres of the same revenue village and/or ward of a Municipality or a Town Committee.

19. It not being disputed that the respondent No. 6, herein, was a resident of the same revenue village wherein the 74 No. Nimaichandpur Anganwadi Centre was situated and there being no allegation of mala fide against the members of the selection committee in recommending the name of the respondent No. 6, herein, for promotion to the post of Anganwadi Worker in 74 No. Nimaichandpur Anganwadi Centre; this Court is of the considered view that the contentions raised by the petitioner, herein, towards challenging the promotion of the respondent No. 6 to the post of Anganwadi Worker in 74 No. Nimaichandpur Anganwadi Centre, would not merit acceptance.

20. Accordingly, the promotion of the respondent No. 6, herein, to the post of Anganwadi Worker in 74 No. Nimaichandpur Anganwadi Centre, would not call for any interference.

21. In view of the conclusions as reached by this Court, hereinabove; this writ petition is held to be devoid of any merit and the same, accordingly, stands

dismissed. However, there shall be no order as to costs. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant