

GAHC010083122019



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

Case No. : WP(C)/2564/2019

LAKHI RANI GOALA
W/O- BABUL GOALA, R/O- VILL- KAZIDHAR, P.O- BUALJUR, P.S- SONAI,
DIST- CACHAR, ASSAM, PIN- 788115

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMMISSONER AND SECRETARY TO THE GOVT OF ASSAM,
DEPTT OF SOCIAL WELFARE, DISPUR, GUWAHATI- 781006

2:THE DIRECTOR
SOCIAL WELFARE
ASSAM
UZANBAZAR
GUWAHATI- 781001

3:THE PROGRAMME OFFICER
DIVISIONAL ICDS CELL
SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

4:THE CHILD DEVELOPMENT OFFICER
NARSINGPUR ICDS PROJECT
CACHAR
SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

5:LILABATI GOALA (ROY)

W/O. SRI RAMESWAR ROY
R/O. VILL. KAZIDHAR
P.O. BUALJUR
DIST CACHAR
ASSAM
PIN-788115

Advocate for the Petitioner : MR R DHAR

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

15.05.2024

Heard Shri R. Dhar, learned counsel for the petitioner. Also heard Ms. M. Bhattacharya, learned Senior Government Advocate, Assam. Shri M.U. Mahmud, learned counsel has appeared for the respondent no. 5 who had also filed affidavit-in-opposition on 23.07.2019.

The controversy raised in this writ petition is with regard to a recruitment process to the post of Anganwadi Worker in the 330 No. Kazidahar Point Anganwadi Centre.

Shri Dhar, the learned counsel for the petitioner has submitted that the advertisement was made on 31.05.2018 for filling up of the aforesaid post in which the stipulation regarding educational qualification was HSLC.

It is the categorical case of the petitioner that while the petitioner had secured 45 % marks in the HSLC, the respondent no. 5 had secured 33 %. However, without offering the appointment to the petitioner on the basis of such assessment and evaluation, the respondent authorities had issued a fresh advertisement dated 25.01.2019 wherein the minimum qualification was enhanced to Higher Secondary. It

is the submission of the learned counsel for the petitioner that the rules which had existed at the time of recruitment should be followed and there is no dispute that when the recruitment drive was initiated vide the advertisement dated 31.05.2018, the minimum qualification was HSLC and assessment was to be made on the basis of the marks secured by the candidates appearing for the said recruitment process. Under those circumstances, it is the contention of the petitioner that the second advertisement dated 25.01.2019 is not sustainable and appropriate directions are to be issued requiring appointment of the petitioner as Anganwadi Worker in the aforesaid Anganwadi Centre.

Ms. M. Bhattacharya, learned State Counsel, has however submitted that the minimum qualification was enhanced to Higher Secondary which is not the subject matter of challenge and therefore, the second advertisement prescribing such minimum qualification cannot be challenged by the petitioner.

Shri Mahmud, the learned counsel for the respondent no. 5 has submitted that due to the development which has taken place, the writ petition itself is not maintainable. He submits that though the petitioner might have secured more marks than the respondent no. 5 in the HSLC, the same would not be relevant inasmuch as the eligibility requirement is Higher Secondary which would be evident from the second advertisement dated 25.01.2019.

He has further informed this Court that pursuant to the advertisement, the respondent no. 5 was selected and appointed whose services however has also been discontinued and therefore, there cannot be an effective adjudication of the issue involved in this case. The said discontinuation has been stated to be the subject matter of challenge in another writ petition.

After hearing the learned counsel for the parties and on perusal of the materials on record, this Court has noticed that though this writ petition is pending since the year 2019, there is no interim order.

This Court has also been apprised of the subsequent development of appointment of the respondent no. 5 and also her discontinuation which has been stated to be the subject matter of a challenge in another writ petition being WP(C)/1294/2024 filed by the said respondent no. 5.

In view of the aforesaid facts & circumstances, this Court is of the opinion that no effective relief can be granted to the petitioner at this stage as the enhancement of the eligibility criteria requiring Higher Secondary is not the subject matter of challenge.

Writ petition is accordingly closed.

JUDGE

Comparing Assistant