

GAHC010090512023



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

Case No. : WP(C)/2383/2023

SANDANA DAS
W/O- SRI NABA DAS,
R/O- VILLAGE 2 NO. DIMU,
P.O.- SUDHRA DIMU, P.S.- RANGIA,
DISTRICT- KAMRUP, ASSAM,
ANGANBADI HELPER IN 2 NO. DIMU JUBAK SANGHA ANGANBADI
CENTRE
UNDER THE CHILD DEVELOPMENT PROJECT, KAMALPUR RANGIA ICDS
PROJECT, RANGIA.

VERSUS

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

2:THE DIRECTOR OF SOCIAL WELFARE DEPARTMENT
GUWAHATI- 781001.

3:THE DIRECTOR OF WOMEN AND CHILD DEVELOPMENT
GUWAHATI-01.

4:THE DISTRICT SOCIAL WELFARE OFFICER
KAMRUP
AMINGAON
GUWAHATI-31.

5:THE CHILD DEVELOPMENT PROJECT OFFICER
KAMALPUR RANGIA ICDS PROJECT
RANGIA.

6:MRINALINI DEKA
FORMER PRESIDENT OF THE 2 NO. DIMU JUBAK SANGHA ANGANBADI
CENTRE

Advocate for the Petitioner : MRS A BUJARBARUAH, MS N DAS

Advocate for the Respondent : GA, ASSAM, MR. SHEELADITYA (R-6)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 31.07.2024

Heard Ms. A. Bujarbaruah, learned counsel for the petitioner. Also heard Ms. A. Talukdar, learned Government Advocate, appearing on behalf of respondents No. 1, 2, 3, 4 & 5; and Mr. Sheeladitya, learned counsel, appearing on behalf of respondent No. 6.

2. The petitioner by way of instituting the present proceeding, has assailed the selection and appointment of respondent No. 6, herein, as an Anganwadi Worker(AWW) in Dimu Jubak Sangha Anganwadi Centre, under the establishment of respondent No. 5.

3. The petitioner, herein, in the writ petition, has contended that the incumbent Anganwadi Helper of No. 163 Dimu Jubak Sangha Anganwadi Centre, had died-in-harness on 20.08.2013, and accordingly, the petitioner, herein, who was a resident of the area; was asked by the authorities of the said Anganwadi Centre to perform the duties in the said Anganwadi Centre as an Anganwadi Helper.

4. It is contended that although the petitioner was discharging the functions of an Anganwadi Helper in the said Anganwadi Centre; since 2013, she was not released her salaries. The petitioner, thereafter, approached the authorities for regularization of her service and her such application was also recommended by various authorities connected with the functioning of the said Anganwadi Centre.

5. Posed thus; an Advertisement was issued on 29.12.2021, inviting applications from interested female candidates for engagement as an Anganwadi Helper in Jubak Sangha Anganwadi Centre i.e. the Anganwadi Centre wherein the petitioner was so engaged. The petitioner, being eligible, submitted her application and participated in the recruitment process. On conclusion of the said recruitment process; a select list came to be published wherein the name of the respondent No. 6 was shown as the selected candidate.

6. Being aggrieved, the petitioner submitted representation against such selection of respondent No. 6. However, the same not being so considered and the respondent No. 6 being appointed in terms of her selection as an Anganwadi Helper in the said Anganwadi Centre; the present proceeding has been instituted by the petitioner, herein.

7. Ms. Bujarbaruah, learned counsel for the petitioner, has submitted that in terms of the Advertisement, dated 29.12.2021, it was mandated that the candidate for the post of Anganwadi Helper as advertised, would be so selected in pursuance to an oral interview, to be held in the matter. However, it is contended that no such interview was so conducted by the

respondent authorities and resultantly, the manner in which the respondent No. 6 was so selected for appointment being contrary to the procedure as mentioned in the Advertisement, in question; the selection and appointment of respondent No. 6 requires to be interfered with by this Court.

8. Per contra, Ms. Talukdar, learned Government Advocate appearing on behalf of the State respondents; has submitted that the petitioner, herein, was never engaged on regular basis as an Anganwadi Helper in the said centre and she was engaged as an Anganwadi Helper in the said Anganwadi Centre only on adhoc basis.

9. Ms. Talukdar, learned Government Advocate, has contended that the manner and method for engagement against the post of Anganwadi Helper and Anganwadi Worker(AWW) is prescribed under a Notification, dated 25.01.2019, and thereunder; such selection is mandated to be so carried-out for the post of Anganwadi Helper, amongst others, on the basis of the marks obtained in the HSLC/AHM Examination of the candidate. It is further contended that the select list, in question, was so prepared strictly in accordance with the stipulations as made in this connection in the said Notification, dated 25.01.2019, and accordingly, the selection and appointment of the respondent No. 6, would not call for any interference.

10. Mr. Sheeladitya, learned counsel appearing on behalf of respondent No. 6, has adopted the arguments as advanced by Ms. Talukdar, learned Government Advocate, and has contended that in terms of her selection, the respondent No. 6 had joined as Anganwadi Helper in the Anganwadi

Centre, in question, and has been discharging her duties therein.

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

12. The petitioner, herein, was engaged in the said Anganwadi Centre as an Anganwadi Helper on temporary basis. Such temporary appointment of the petitioner would not vest in her any right for her regular appointment against the said post, in-as-much as, the manner and method for engagement of an Anganwadi Helper in an Anganwadi Centre, is laid down by the departmental authorities vide Notification, dated 25.01.2019, and regularization has not been prescribed as a mode of recruitment.

13. The respondents by placing reliance of the Notification, dated 25.01.2019, have contended that recruitment against the post of Anganwadi Helper is required to be so done by following the procedure mandated therein, and such contention not having been disputed by the petitioner, herein; this Court would now examine the provisions of the said Notification. A perusal of the procedure as prescribed under the said Notification, dated 25.01.2019, reveals that recruitment against a post of Anganwadi Helper, is mandated to be so effected, in case of a candidate fulfilling the eligibility criterias, by reckoning the marks scored by the candidate, applying for the post of Anganwadi Helper, in her HSLC/AHM Examination. The selection of the respondent No. 6, herein, who is also a resident of the area covered by the said Anganwadi Centre, being so done by reckoning the marks scored by her in her HSLC/AHM Examination; it conforms to the procedure as mandated and as such, no interference would

be called for, in the matter.

14. It is to be noted here that the petitioner, in the present proceeding, has also not brought on record any materials to demonstrate that by reckoning the marks scored by her and respondent No. 6, herein, in their respective HSLC/AHM Examinations; the petitioner, herein, had scored more marks in the said Examination and would have been entitled to such selection. Given the criteria for selection of an Anganwadi Helper as mandated under the Notification, dated 25.01.2019, no allegation being so levelled that the selection was so conducted in violation of such guidelines and further, the petitioner having also not levelled any allegation of mala fide against the members of the Selection Committee; this Court would not interfere with the selection and appointment of the respondent No. 6, herein, as an Anganwadi Helper in Dimu Jubak Sangha Anganwadi Centre.

15. In view of the above position; this writ petition is held to be devoid of merit and accordingly, the same stands dismissed. However, there shall be no order as to costs.

JUDGE

Comparing Assistant