

GAHC010161952024



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

Case No. : WP(C)/4096/2024

AFINA KHATUN
W/O- LATE MOKATAL HUSSAIN ,
VILLAGE- GARUCHATKA PART I,
P.O- TIPLAI,
P.S- RANGJULI,
DIST- GOALPARA, ASSAM, PIN-783130

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY,GOVT. OF ASSAM,
DEPTT. OF SOCIAL WELFARE, DISPUR, GHY-6.

2:THE DIRECTOR
OF SOCIAL WELFARE
ASSAM
UZAN BAZAR
GUWAHATI
ASSAM
PIN- 781001

3:THE DISTRICT OFFICER
SOCIAL WELFARE

KAMRUP
ASSAM

4:THE CHILD DEVELOPMENT PROJECT OFFICER
BOKO- BONGAON
ICDS PROJECT
DIST- KAMRUP
ASSA

Advocate for the Petitioner : MR S H MAHMUD, MRS. M SAIKIA,MS. D BORA,MR S ISLAM

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 14.11.2024

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. C.H. Hazarika, learned Standing Counsel for the all the respondents.

2. Having regard to the nature of the case projected by the petitioner the writ petition is taken up for disposal at this stage. It is the case of the petitioner that she was appointed as an Anganwadi Worker on temporary basis at Garuchatka, Part-II Anganwadi center on a honorarium of Rs. 275/- per month by the Project Officer of Dudhnoi ICDS Project, Rangjuli, in the district of Goalpara, Assam on 01.08.1992. Thereafter she has been discharging her duties diligently and to the satisfaction of all concerned. However, some complaint was filed against her on 11.02.2016 before the Court of Chief Judicial Magistrate, Goalpara alleging misappropriation of money. Therefore a police case was registered and the petitioner was arrested. In view of her arrest the petitioner was placed under suspension and her salary and all other allowances were put at hold. Subsequently, the Court of

Sub-Divisional Judicial Magistrate, Goalpara on 14.06.2024 acquitted the petitioner from the charges. It is the case of the petitioner that although her suspension has been revoked she has not been able to join back into her service. The petitioner on 28.06.2024 approached the Child Development Project Officer, Dudhnoi ICDS Project and also the Director of Social Welfare Department by submitting her application on 18.07.2024. However, the same has not been considered and therefore she is before this Court.

3. Upon hearing the learned Counsels for the parties and perusing the materials on record, and importantly having regard to the fact that there is a pending application submitted by the petitioner before the Director of Social Welfare dated 18.07.2024, the writ petition is therefore disposed of with a direction to the Director of Social Welfare (now Women and Child Development), Govt. of Assam, to consider and dispose of the application submitted by the petitioner on 18.07.2024. The Director shall also take note of the fact that the petitioner has since been acquitted by the learned trial Court. The said exercise shall be done within a period of 3 (three) weeks from the date of receipt of a certified copy of this Court's order.

4. The petitioner shall also submit a copy of the writ petition with annexure along with certified copy of this order before the Director of Social Welfare (now Director of Women and Child Development) Department, Govt. of Assam.

5. It is also provided herein that in considering the application submitted by the petitioner the Director shall also take into consideration and take appropriate decision with regard to the arrear salary of the petitioner during the period of her suspension.

JUDGE

Comparing Assistant