

GAHC010185232021



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

Case No. : WP(C)/5933/2021

ASIYA BEGUM
W/O ESCHAR ALI
VILLAGE NO. 2, LARKUCHI, PO LARKUCHI, PS MUKALMUA, DIST
NALBARI, ASSAM, 781138

VERSUS

THE STATE OF ASSAM AND 2 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY , SOCIAL
WELFARE DEPARTMENT, DISPUR GUWAHATI 06

2:THE DIRECTOR OF SOCIAL WELFARE DEPARTMENT

ASSAM
UZAN BAZAR
GUWAHATI 01

3:THE CHILD DEVELOPMENT PROJECT OFFICER (CDPO)
BARKHETRI I.C.D.S PROJECT
MUKALMUA
DIST NALBARI
ASSA

Advocate for the Petitioner : MR. A MANNAF

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

15.05.2024

Heard Sri A. Mannaf, learned counsel for the petitioner. Also heard Shri CKS Barua, learned State Counsel.

2. Considering the subject matter of dispute and the pleaded case of the rival parties, the present writ petition is taken up for disposal at the admission stage.
3. The issue is with a claim for consideration and appointment as Anganwadi Worker.
4. The projected facts by the petitioner is that she was appointed as Anganwadi Helper in the year 2007 in the Nadia Allot Anganwadi Centre in the district of Nalbari and has been continuously working. A vacancy arose in the said Centre in the post of Angawadi Worker on the death of an incumbent. The petitioner, who consider herself as eligible in the all respects had applied for the same. However, no action was taken for consideration and therefore she has approached this Court by this writ petition.
5. Shri Mannaf, learned counsel for the petitioner by referring to the notification dated 01.03.2013, more specifically Clause 6 thereof has submitted that even the aspect of age is fulfilled by the petitioner as by the aforesaid provision a candidate is to be above 45 years. The learned counsel accordingly submits that a direction be issued for consideration and disposal of the application of the petitioner in accordance with law.
6. Shri Sarma Barua, learned State Counsel has submitted that the approach of the petitioner by means of this writ petition filed in the year 2021 is itself lacking *bona fide*. He submits that while reliance has been sought to be made on a notification dated 01.03.2013, the said notification was partially modified immediately on 04.03.2013 wherein it was rectified that the maximum age for

consideration for appointment of an Anganwadi Helper to the post of Anganwadi Worker is 45 years. The said aspect has been pleaded in details in the affidavit-in-opposition filed on 24.08.2022 wherein the Circular dated 04.03.2013 has also been annexed.

7. After hearing the learned counsel for the parties and on consideration of the materials on record, this Court has found that the basis of the entire pleadings is upon a notification dated 01.03.2013 which however was modified vide the notification dated 04.03.2013. In fact, the said notification dated 04.03.2013 which has been annexed as Annexure 1 to the affidavit-in-opposition filed on 24.08.2022 would make it clear that earlier notification dated 01.03.2023 was modified wherein there is a clear stipulation that Anganwadi Helper, to be eligible for promotion should not be more than 45 years of age at the time of consideration. There is no dispute in the Bar that the age of the petitioner is more than 45 years. This Court has also noticed that the subsequent notification dated 04.03.2013 is not the subject matter of challenge

8. In view of the aforesaid discussions, this Court is of the view that no relief, whatsoever is entitled to by the petitioner and accordingly the writ petition is dismissed.

JUDGE

Comparing Assistant