

REPORTABLE

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**WP(C) No.812 of 2024 with
MC (WP(C)) No.724 of 2024**

1. N.Parango Singh aged about 58 years,
S/O (L) N.Damu Singh of Phayeng Mayai
Leikai, PO Phayeng, Imphal West District,
Manipur 795146.
2. Adha P.Chopullo, aged about 56 years,
d/o H.Chopullo Mao of 56th Avenue,
Dewlahland, Imphal West, Manipur 795001.
3. K.Surjalata Shimray, aged about 52 years,
w/o Ningshim Shaiza of Tungrei, PO & PS
Ukhrul, Ukhrul District, Manipur 795142.
4. Ningthoujam Babita Chanu, aged about
55 years, D/o Dhananjoy of Khurai
Thoidingjam Leikai, Lamlong Bazar PS/
PO Porompat, Imphal East District,
Manipur 795005.
5. Neeta Sareo, aged about 50 years,
w/o Ngamrei Raikham of Lamphel
Sanakeithel, PO & PS Lamphel,
Imphal West District 795001.
6. R.K.Anita Devi aged about 53 years,
w/o Nongthombam Bobo Singh of
Nagamapal Paonam Leirak, Imphal
West District 795001.
7. Th.Romita Devi, aged about 52 years, w/o
Laishram Deben Singh of Naoremthong
Laishram Leirak, Imphal West
District, Manipur.
8. Th.Kamala Devi, aged about 52 years, w/o
S.Lolendro Singh of Khurai Konsam Leikai,
PO & PS Porompat, Imphal East District,
Manipur 795005.

9. N.Priyambada Devi, aged about 54 years, w/o Yangoijam Ranjit Singh of Thangmeiband, Meisnam Leikai, Imphal West District, Manipur.
10. Kh.Kamala Devi, aged about 59 years, w/o A.Mocha of Awang Sekmai Bazar, Impha West District, Manipur.
11. A.S.Ngalathoi aged about 53 years, w/o M.Yongmatai of Awontang, Ukhrul District, Manipur 795142.
12. Irengbam Bijaya Devi, aged about 59 years, w/o H.Basantakumar of Wangkhei Koijam Leikai, Imphal East District, Manipur.
13. Ksh. Sharmila Devi, aged about 52 w/o Moirangthem Ingobi Singh of Yairipok Bishnunaha Mamang Leikai, Thoubal District, Manipur.
14. Roshnichand Tourangbam, aged about 51 years, w/o (L) Ksh Surchandra Singh, a resident of Malom Tuliyaimea, PO Tulihaal & P.S. Tuliyaimea, Imphal West District, Manipur.
15. K.Devananda Meetei, aged about 54 years, s/o (L) K.Kunjo Singh of Khongman Okram Chuthek, PO & PS Singjamei, Imphal East District, Manipur 795008.
16. W.Tungdar, aged about 53 years, w/o Sh.Mathew of Leibi Village, Tengnoupal District, Manipur.
17. Sinam Tampha Devi aged about 53 years, w/o Kh.Shitaljit Singh of Singjamei Wangma Kshetri Leikai, Imphal East District, Manipur.
18. Ch.Nirmala Devi, aged about 51 years,

w/o Mutum Oken Singh of Kongba
Kshetri Leikai, Imphal East, Manipur.

19. Dimleiru Rongmei, aged about 56 years,
w/o Kamei Kakhangai of Thengmeiband
Neikhalong, Imphal West District, Manipur.
20. T.Leina Devi, aged about 51 years,
w/o M.Bheigyachandra Singh of
Tentha Khongbal, Thoubal District, Manipur.
21. I.Ranjana Devi aged about 52 years, w/o
Maibam Lokhendro Singh of Heirangoithong
Yangam Leirak, Imphal West District, Manipur.
22. L.Sunitibala Devi, aged about 51 years,
d/o (L) Longjam Ibotombi Singh of Nongmeibung
Wangkheirakpam Leikai, PO & PS
Porompat, Imphal East District, Manipur 795005.
23. R.K.Malasana Devi, aged about 56 years,
w/o (L) Kh.Ashok of Kongba Makha Nandeibam
Leikai, Imphal East District, Manipur.
24. Ch. Urmila Devi, aged about 53 years,
w/o N. Ranjit Singh of Chingdong Leikai,
Jiribam, Jiribam District, Manipur.
25. Thaisa Shimray, aged about 53 years, d/o
Aring Shmray of Nagaram Block D PO Lamlong,
Imphal East District, Manipur.

... Petitioners

-Versus-

1. The State of Manipur through
Principal Secretary/Commissioner/Secretary
(Social Welfare), Government of Manipur,
Manipur Secretariat, South Block, PO
& PS Imphal 795001.
2. The Director (Social Welfare), Government of
Manipur, North AOC, PO & PS Imphal 795001.

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

For the Petitioners :: Mr.H.S.Paonam, Sr.Advocate
Mr.A.Arunkumar, Advocate.
For the Respondents:: Mr.S.Nepolean, Government Advocate,
Ms.R.K.Emily, Dy. GA
Date of hearing :: 22.07.2025
Date of judgment :: **05.08.2025**

JUDGMENT AND ORDER (CAV)

[1] Heard Mr.H.S.Paonam, learned senior counsel assisted by Mr.A.Arunkumar, learned counsel for the petitioners and Mr.S.Nepolean, learned Government Advocate assisted by Ms.R.K.Emily, learned Dy. Government Advocate for the State respondents.

[2] The twenty five petitioners, who are Child Development Project Officers (CDPOs) in the Social Welfare Department, Manipur, approached this Court for setting aside the impugned letters/orders (1) dated 7.11.2024 (Annexure A/12) issued by the Director (Social Welfare), Manipur, to all CDPOs to kept on hold the recruitment processes for engagement of Anganwadi Workers and Anganwadi Helpers in all the ICDS Projects across the State, (2) dated 12.11.2024 (Annexure A/13) issued by the Deputy Secretary (Social Welfare), to the Director (Social Welfare), Manipur conveying approval of the Government to delegate powers to recruit Anganwadi Workers/Anganwadi Helpers across the State and (3) dated 18.11.2024 (Annexure A/14) issued by the Director (Social Welfare), Government of Manipur delegating

power to recruit Anganwadi Workers and Anganwadi Helpers across the State to the District Magistrate/District Collectors/Deputy Commissioners concerned with immediate effect.

[3] Mr. HS. Paonam, learned senior counsel for the petitioners submits that the impugned orders/letters at Annexures A/12, 13 and 14 are in violation of guidelines dated 14.3.2018 issued by the Ministry of Women & Child Development. It is stated that in compliance of the guideline dated 28.5.2007 issued by the Government of India, Ministry of Women and Child Development, the order dated 11.9.2019 was issued by the Director, Social Welfare Department, Manipur constituting Selection Committee for appointment of Anganwadi Workers and Anganwadi Helpers. The guidelines dated 14.3.2018 was issued by the Ministry of Women & Child Development, Government of India informing all the Administrative Secretary of Social Welfare Department to delegate power to recruit Anganwadi Workers and Anganwadi Helpers for the Aspirational District to the District Magistrates/District Collectors.

[4] Learned senior counsel for the petitioners refers to the letter dated 28.5.2007 issued by the Ministry of Women and Child Development, Government of India, directing the State Government to make a Selection Committee for appointment of Anganwadi Workers and Anganwadi Helpers, emphasising the persons from grassroots level. Accordingly, the Director, Social Welfare, Manipur, issued order dated 11.11.2019 notifying Selection Committee for appointment of Anganwadi Workers and Anganwadi Helpers with the following persons:

- | | | |
|----|---|-------------|
| 1. | District Programme Officer - | Chairperson |
| 2. | Block Development Officer -
(BDO) or a representative
Of DCs concerned. | Member |

3. Chief Medical Officer - Member
4. Representative of Director (SW) - Member
5. Child Development Project - Member Secretary"

Further, learned senior counsel for the petitioners refers to another letter dated 14.3.2018 issued by the Ministry of Women & Child Development, Government of India stating that power to recruit Anganwadi Workers and Anganwadi Helpers across India and Supervisors against promotion quota in the aspirational 115 districts be delegated to the District Magistrates/District Collectors. It is pointed out that in the State of Manipur, Chandel is the only aspirational District and in terms of the letter dated 14.3.2018 the District Magistrate/District Collector, Chandel will be the appointing authority of Anganwadi Workers and Anganwadi Helpers. However, for the rest of the 15 districts of Manipur, the CDPOs will still be the appointing authority in terms of the order dated 11.11.2019 issued by the Director, Social Welfare, Government of Manipur. Since then, the CDPOs are issuing Notification for recruitment of Anganwadi Workers and Anganwadi Helpers. The CDPOs of various districts issued Notification dated 5.11.2024, etc. for recruitment of Anganwadi Workers and Anganwadi Helpers in their respective Districts. However, by the impugned letter dated 7.11.2024 to the Director, Social Welfare, Government to all the CDPOs directing to keep on hold the process for recruitment initiated by them until further order due to administrative reasons. Vide impugned letter dated 12.11.2024 issued by the Deputy Secretary, Social Welfare, Government of Manipur to the Director, Social Welfare convened the approval of the government to delegate the power to recruit Anganwadi Workers and Anganwadi Helpers across the State to the District

Magistrates/District Collectors/Deputy Commissioners concerned and vide another impugned order dated 18.11.2024, the Director, Social Welfare, Government of Manipur delegated power of appointment of Anganwadi Workers and Anganwadi Helpers to the District Magistrate/District Collectors/Deputy Commissioners concerned with immediate effect. It is further stated that all recruitment processes already initiated by some of the ICDS projects would be continued with the approval of the respective District Administration.

[5] The impugned orders/letters are challenged mainly on the ground that as per letter dated 14.3.2018 issued by the Ministry of Women & Child Development, Government of India, the power to recruit Anganwadi Workers and Anganwadi Helpers in the 115 aspirational districts all over India was delegated to the District Magistrates/District Collectors of the concerned district and for the rest of the districts, the Selection Committee is headed by the DCPOs and CDPO is the appointing authority in terms of the order dated 11.11.2019. The only change is that the CDPO is reduced to ordinary Member in the new set up in place of the Member Secretary as per order dated 11.11.2019.

[6] It is stated that the order dated 12.11.2024 conveying approval/delegating power of the State Government to recruit Anganwadi Workers and Anganwadi Helpers across the State to the District Magistrates/District Collectors/Deputy Commissioners and also the order dated 18.11.2024 issued by the Director, Social Welfare, Government of Manipur are without any authority and in violation of the guidelines issued by the Ministry of Women & Child Development, Government of India. It is stated that the direction to delegate power for recruitment of Anganwadi Workers and Anganwadi Helpers to the Deputy Commissioner/District Magistrates

is with respect to the aspirational districts. Since Chandel is the only aspirational district, conferring power to the District Magistrate/District Collector and Deputy Commissioner for the remaining 15 non-aspirational districts is without any basis and without any authority.

It is stated that the guidelines and executive instructions cannot be in conflict with the Statutory Rules as held in **Naga People's Movement of Human Rights Vs Union of India: (1998) 2 SCC** : Para 58 of which reads as under:

"58. The instructions in the form of "Dos and Don'ts" to which reference has been made by the learned Attorney General have to be treated as binding instructions which are required to be followed by the members of the armed forces exercising powers under the Central Act and a serious note should be taken of violation of the instructions and the persons found responsible for such violation should be suitably punished under the Army Act, 1950...."

It is also stated that this Court has held in the case of **Nasim Banu Vs The State of Manipur & 3 Ors: WP(C) No.209 of 2023: MANU/MN/0008/2024** vide order dated 17.1.2024 that the CDPO is the competent authority for appointment of AWWs and AWHs for non-Aspirational Districts for the State of Manipur. It is also stated that Administrative Decisions would be supported with reasons and there is no reason for delegating power of recruitment of Anganwadi Workers and Anganwadi Helpers to the District Magistrates/District Collectors and Deputy Commissioners for the non-aspirational districts.

[7] Mr. HS Paonam, learned senior counsel for the petitioners refers to the following decisions in this regard:

(1) **Union of India Vs Tulsiram Patel : (1985) 3 SCC 398** (para 126)

(2) Naga People's Movement of Human Rights Vs Union of India: (1998) 2 SCC 109 (para 58-61)

(3) Bhavnagar University Vs Palitanna Sugar Mill Pvt Ltd & Ors: (2003) 2 SC 111 (Para 40)

(4) Secretary & Curator, Victoria Memorial Hall Vs Howrah Ganatantrik Nagrik Samity: (2010) 3 SCC 732 (para 40)

(5) Hari Bansh Lal Vs Sahodar Prasad Mahto & Ors: (2010) 9 SCC 655 (Para 35 to 39).

[8] On the other hand, Mr. S. Nepolean, learned Government Advocate submits that in pursuance of the guidelines issued by the Ministry of Women and Child Development, vide letter dated 28.5.2007 for constituting a Selection Committee for recruitment of Anganwadi Workers and Anganwadi Helpers, the Director, Social Welfare, Manipur issued order dated 11.11.2019 constituting the Selection Committee, comprising all the District Programme Officers as Chairperson, Block Development Officers or a representative of the DCs concerned as members, Chief Medical Officer as Member, Representative of Director (SW) as Member and Child Development Project Officer as Member Secretary.

[9] The learned Government Advocate also draws attention of this Court to the guidelines contained in letter dated 14.3.2018 issued by the Ministry of Women & Child Development, Government of India, specially to para 2 that the intention is to delegate the power to recruit Anganwadi Workers and Anganwadi Helpers to the District Magistrates/District Collectors across the country. However, in para 4, power is delegated to District Magistrates/District Collectors in 115 Aspirational Districts at the initial stage. It is pointed out that vide letter dated 14.3.2018, it is clearly expressed that such power to recruit Anganwadi Workers and Anganwadi Helpers may be delegated to the District

Magistrates/District Collectors across the country. It shows that from the beginning the Government of India has the intention to delegate such power to the District Magistrate/District Collector and initially the power to appoint Anganwadi Workers and Anganwadi Helpers was delegated to the District Magistrate/District Collector of the aspirational districts only. Hence, it cannot be stated that conferring such power to the District Magistrate/District Collector for all revenue districts cannot be termed to be in violation of the guideline issued vide letter dated 14.3.2018.

[10] The learned Government Advocate has also clarified that the impugned letter/order dated 7.11.2024 issued by the Director, Social Welfare, Government of Manipur informing all CDPOs to keep on hold the recruitment of Anganwadi Workers and Anganwadi Helpers, the approval order dated 12.11.2024 of the State Government conferring to delegate power to recruit Anganwadi Workers and Anganwadi Helpers to the District Magistrate/District Collector and Deputy Commissioners and order dated 18.11.2024 conferring power to the District Administration cannot be said to be in violation of the guidelines issued by the Central Government in terms of letter dated 14.3.2018. It is also pointed out that the CDPOs are still members of the Selection Committee and the place of District Child Development Project Officer has been replaced by the District Magistrate/District Collector and Deputy Commissioner.

[11] The learned Government Advocate has also drawn attention of this Court to the fact that the CDPOs who are the petitioners herein, have no locus to challenge the impugned orders as their position and powers in the Selection Committee are still intact. At the most, the District Programme Officer are aggrieved

and have to approach this Court as they have been removed from being Chairman of the Selection Committee.

[12] The learned Government Advocate has also tried to explain the reasons for conferring the power of recruitment of Anganwadi Workers and Anganwadi Helpers to the District Magistrate/District Collector/Deputy Commissioner is due to the situation created by the Manipur Violence since May, 2023 and most of the CDPOs and DCPOs could not be stationed in their respective districts and they are working from other districts as some of the communities could not travel freely at the moment.

[13] It is stated that all the District Administrators are always stationed at their respective districts. In the circumstances, the power of recruitment of Anganwadi Workers and Anganwadi Helpers has been delegated to the District Magistrate/District Collector/Deputy Commissioners for convenience in effective administration. The position of the CDPO is still intact and CDPOs will be the appointing authority for Anganwadi Workers and Anganwadi Helpers and the same does not violate the decision of this Court in **Nasim Banu** case (Supra)

[14] It is also pointed out that the CDPOs are not the recruiting authority under the order dated 11.11.2019, prior to the issuance of the impugned order. The recruiting authority is the Selection Committee headed by the District Programme Officer and the CDPO is a member of the said Committee and after the impugned order also the CDPO is still a part of the Selection Committee and is the appointing authority. The position of the District Programme Officer has only been replaced by the District Magistrate/District Collector/Deputy Commissioner. It is also submitted that the writ petition may be dismissed being devoid of merit.

[15] This Court has perused the materials on record and submissions made at the Bar and guidelines referred to by the parties. It is seen that in terms of the instructions issued by the Central Government vide letter dated 28.5.2007, the Director, Social Welfare, Manipur issued order dated 11.11.2019 constituting Selection Committee, comprising five members, in which the District Programme Officer as Chairperson and Child Development Project Officer is the Member Secretary and three more members are there. It will be relevant to reproduce the letter dated 14.3.2018 [Annexure A-3] issued by the Ministry of Women & Child Development, Government of India regarding delegation of power for selection/recruitment of Anganwadi Workers and Anganwadi Helpers, as follows:

"Ministry of Women & Child Development.

Dated 14th March, 2018

To Principal Secretaries/Secretaries in-charge of WCD/Social Welfare Department (Anganwadi Services) in all States/UTs.

Subject: Delegation of powers for the recruitment of Anganwadi Workers (AWWs)/ Anganwadi Helpers (AWHs) and Supervisors – Regarding.

Sir/Madam,

In the first meeting of the Empowered Committee held on 6th March, 2018 in the NITI Aayog, it was, inter alia, decided that powers to recruit Anganwadi Workers (AWWs)/ Anganwadi Helpers (AWHs) and Supervisors in 115 Aspirational Districts (list enclosed) may be delegated to District Magistrates/District Collectors.

2. In this regard, it may be stated that the Anganwadi Services [under Umbrella Integrated Child Development Services (ICDS) Scheme] envisage Anganwadi Workers & Anganwadi Helpers as 'honorary

workers' from the local community who come forward to render their services, on part time basis, in the area of child care and development. They are paid monthly honorarium as decided by the Government from time to time. **Therefore, the powers to recruit AWWs/AWHs may be delegated to District Magistrates/District Collectors across the country.**

3. As regards recruitment of Supervisors under Anganwadi Services, it is stated that as per revised guidelines, there is a provision of promotion to the extent of 50% of vacancies in the grade of Supervisor from amongst Anganwadi Workers with 10 years of service and fulfilling extant provisions of Recruitment Rules. Therefore, the powers to fill up vacancies in the grade of Supervisors against promotion quota may be delegated to District Magistrates/ District Collectors in 115 Aspirational Districts.

4. **Accordingly, all States/UTs are requested to delegate powers to recruit Anganwadi Workers/Anganwadi Helpers across the country and Supervisors (against promotion quota) under Anganwadi Services in 115 Aspirational Districts to District Magistrates/ District Collectors, and expedite filling up vacancies on priority basis.**

Yours faithfully,
Sd/-

Manoj Kumar,
Under Secretary to the Government of India"

[16] From the above guidelines, it is clear that in para 2, the power to recruit Anganwadi Workers and Anganwadi Helpers may be delegated to the District Magistrate/District Collector across the country and in para 4, such power was delegated to the District Magistrate/District Collectors for the 115 aspirational districts across the country as an initial move.

[17] From careful reading of the guideline including para 2 and 4, it is clear that the Central Government has the intention of

delegating power to recruit Anganwadi Workers and Anganwadi Helpers to the District Magistrate/District Collectors across the country. Admittedly, in the State of Manipur, Chandel is the only aspirational district and power to appoint Anganwadi Workers and Anganwadi Helpers has been delegated to the District Magistrate/District Collector. However, for the remaining 15 districts of Manipur, such power is handed over to the Selection Committee headed by the District Programme Officer, of which, CDPO is the appointing authority. It is a fact that this Court in the case of **Nasim Banu** case (supra) has held that normally, the District Child Development Officer is the appointing authority for Anganwadi Workers and Anganwadi Helpers and in case of aspirational districts the District Magistrate/District Collector/ Deputy Commissioner is the appointing authority. The State Government, after the Manipur Violence in 2023, is finding difficulty as various Programme Officers and CDPOs are forced to station in other and safer Districts due to difficulty in movement of the officers belonging to certain community to certain area of the State. In the circumstances, some of the CDPOs are working from other districts and it affects in the administration, especially in recruitment of Anganwadi Workers and Anganwadi Helpers, where they are to be recruited from the locally available candidates. It is not feasible for some of the DPOs and CDPOs to physically present in their respective districts to look over and continue recruitment process including written and interview process. In such situation, the State Government thinks it proper to delegate power to recruitment of Anganwadi Workers and Anganwadi Helpers to the District Magistrate/District Collector/ Deputy Commissioner, as all the district administrators are stationed in their respective districts. Such a step cannot be said to be in violation of the guidelines issued by the Central Government vide

letter dated 14.3.2018. It can be seen from the second para of the letter dated 14.3.2018 that power to recruit Anganwadi Workers and Anganwadi Helpers is also expected to be delegated to the District Magistrates.

[18] This Court is also of the opinion that the guidelines issued by the Central Government does not prohibit complete delegation of power to recruit Anganwadi Workers and Anganwadi Helpers to the District Magistrate/District Collector and the same is in terms of para 2 of the letter dated 14.3.2018 issued by the Ministry of Women & Child Development, Government of India to all Administrative Secretaries of the Social Welfare Department of all States. However, this Court observes that position of the CDPO has not substantially been changed as they are still appointing authority of Anganwadi Workers and Anganwadi Helpers and the only change brought by the impugned order is bringing of District Magistrate/District Collector/Deputy Commissioner as the head of Selection Committee in place of District Programme Officer. In the new set up, the CDPOs become Member and not as Member Secretary in the earlier arrangement.

[19] In the order dated 18.11.2024 issued by the Director Social Welfare, it is stated that recruitment process already initiated can be continued with the approval of the district administration. It may be pointed out that various Notifications for recruitment of Anganwadi Workers and Anganwadi Helpers in various districts as annexed in Annexure A-11 (colly) have been initiated with the approval of the Director, Social Welfare, Manipur.

[20] In the circumstances, the writ petition is disposed of with the direction that the impugned letters/orders dated 7.11.2024, 12.11.2024 and 18.11.2024 do not suffer from any illegality and

they are in tune with the guidelines issued by the Ministry of Women and Child Development, Government of India.

[21] However, the order dated 18.11.2024 issued by the Director, Social Welfare, Manipur is modified to the extent that all the recruitment process initiated prior to 18.11.2024 with the approval of the Director, Social Welfare can be continued and any recruitment process initiated after 18.11.2024 should be in terms of order dated 18.11.2024. While issuing notice on 25.11.2024, this Court directed that status quo as on date would be maintained till next date. The interim order has been extended from time to time. The interim order stands merged with the final order.

[22] With the observation, the writ petition as well as pending application is disposed of. No cost.

JUDGE

RAJKUMAR
PRIYOJIT
SINGH

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PRIYOJIT SINGH
Date: 2025.08.05
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Priyojit