

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.111 of 2024

Smt. Putul Debbarma,

Wife of Sri Ajoy Debbarma, resident of Samnapara, West Jarulbachai ADC Village, P.O Dhupchara, District West Tripura.

..... **Petitioner(s)**

- V e r s u s -

1. The State of Tripura,

Represented by the Secretary, Social Welfare and Social Education, Government of Tripura, PO New Secretariat, Agartala, PIN 799010.

2. The Director,

Social Welfare and Social Education, Government of Tripura, Agartala, Tripura West, PIN 799006.

3. The DM & Collector,

West Tripura District, Agartala, Tripura, PIN 799001.

4. The Child Development Project Officer,

Dukli ICDS Project, PO ONGC West Tripura, Agartala.

5. Smt. Rita Debbarma,

Wife of Sri Mangal Debbarma residing at Rabisadhu Para, PO S K Para, West Tripura, PIN 799004.

.....**Respondent(s)**

For the Petitioner(s) : Mr. C.S. Sinha, Advocate.

For the Respondent(s) : Mr. P. Gautam, Senior G.A.

Date of hearing : **13th May, 2025.**

& delivery of
Judgment & Order

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. C.S. Sinha, learned counsel for the petitioner and Mr. P. Gautam, learned senior G.A. for the State-respondents.

[2] The case of the petitioner is that she is resident of Samnapara of West Jarulbachai ADC village whereas the residence of respondent no.5 is at Rabisadhu Para of said village. The

petitioner earlier vide memorandum dated 02.12.2022 issued by the Child Development Project Officer, Dukli ICDS Project, West Tripura, was engaged as Substitute Anganwadi Worker in Samnapara Anganwadi centre as the regular Anganwadi worker namely, Smt. Mangaleswari Deb Barma retired.

[3] Thereafter, the Child Development Project Officer (for short CDPO), Dukli issued one advertisement on 09.06.2023 for selection of Anganwadi Worker and Anganwadi Helper in respect of said Samnapara AWC along with selection of Anganwadi Workers and Helpers in some other Anganwadi centres. In the advertisement, it was categorically mentioned that only female married/widow candidates were eligible to apply for the post of Anganwadi worker and Anganwadi helper who were normally the residents of the village where Anganwadi centre was located and belonged to the feeder villages/wards of the respective Anganwadi area. Both the petitioner and respondent no.5 applied and participated in the selection process along with some others for selection of Anganwadi worker for Samnapara AWC. The respondent no.5 stood first and petitioner stood second in the merit list of the interview. Thereafter, respondent no.5 was engaged as Angawadi worker in said Samnapara AWC.

[4] Challenging said selection, the petitioner filed WP(C) No.633 of 2023 and vide order dated 18.10.2023, said writ petition was disposed of with the following observations:

“[4] As such, let a fresh application in the form of an appeal be presented before the District Magistrate &

Collector, West Tripura, Agartala enclosing the copy of memo of the writ petition before the District Magistrate & Collector, West Tripura, Agartala who is the appellate authority within a period of 10(ten) days from today. The District Magistrate & Collector, West Tripura, Agartala is permitted to be impleaded as respondent No.5 in the array of respondents during course of the day by the learned counsel for the petitioner. The District Magistrate & Collector, West Tripura, Agartala would consider the appeal preferred by the petitioner and take a decision thereupon in accordance with law within a period of 4(four) weeks from the date of receipt of memo of appeal."

[5] In compliance with the direction of the Court, the petitioner filed one appeal before the DM & Collector, West Tripura who vide order dated 22.11.2023 held that engagement of respondent no.5 in the said Anganwadi centre as Anganwadi worker was found to be justified and the claim of the petitioner was turned down. Being aggrieved by the said decision of the appellate authority i.e. the DM & Collector, West Tripura, the present writ petition has been filed.

[6] Mr. C.S. Sinha, learned counsel referring to the selection list of Anganwadi workers (Annexure 2 of counter affidavit to the writ petition) as was communicated by the CDPO to the Director, Social Welfare & Social Education, Government of Tripura, submits that as per the said selection list, the address of the petitioner is at Samnapara itself whereas the address of respondent no.5 is shown at Rabi Sadhu Para and therefore, it is apparent that the respondent no.5 was resident of another village, but despite the same, ignoring the guidelines, the engagement was given in her favour. Mr. Sinha, learned counsel also submits that in said Rabi Sadhu Para there is another Anganwadi centre located and therefore, in no way respondent no.5 was eligible to be engaged at

Samnapara Anganwadi centre and hence her candidature was liable to be rejected. According to learned counsel, violating the guidelines, she has been illegally engaged as Anganwadi worker at Samnapara AWC. Mr. Sinha, learned counsel also gives emphasis that as per the guidelines, priority of appointment should be given to the person who is the resident of same locality where the AWC is located. Mr. Sinha, learned counsel also relies on a decision of Gauhati High Court in the case of ***Smti Junu Prava Baishya (Baruah) vs. The State of Assam and others [Writ Petition (C) No.1908/2010 decided on 24.05.2017]*** wherein similar allegation was raised that an outsider was appointed in the concerned Anganwadi centre. In that case, the Gauhati High Court directed the Director of Social Welfare Department to look into the matter of verification of the residency of the person concerned who was engaged as Anganwadi worker as the verification of such address of residency was not possible by exchange of affidavits in a writ petition.

[7] Mr. P. Gautam, learned senior G.A., however, strongly opposes the submissions arguing that as per the guidelines issued by Social Welfare & Social Education Department, Government of Tripura, any person residing in the same village where the Anganwadi centre is located can apply for engagement as Anganwadi worker and in the case in hand, in the interview, the respondent no.5 stood first and therefore, rightly she was engaged as Anganwadi worker in the said centre based on her merit.

[8] This Court has considered rival submissions of the parties and also has meticulously gone through the record.

[9] Before going to discuss the issue further, the relevant portion of the guidelines as issued by the Social Welfare & Social Education Department, Government of Tripura requires reference first:

"2. Eligibility Criteria:

Only such female married/widow candidates are eligible to apply for the post of Anganwadi Worker/Anganwadi Helper who are:

a) Normal residents of the village (in case of Rural Area)/ ward (in case of Urban Area) where Anganwadi Centre is located and belongs to the feeder villages/wards of the Anganwadi area.

b) Freezing of the list of families being covered in the feeder area of the AWC will be ensured before stating the selection process and advertising of vacancies with due publicity. Only the residents of the areas as above will be entitled to apply. **If the candidates are not available within the feeder area, applications can be invited from the desirous candidates residing within the area of the concerned Gram Panchayat/Ward.**

c) For Anganwadi Worker minimum qualification shall be **Matriculate** and for Anganwadi Helper minimum qualification shall be **Class-VIII passed.**

d) Age between 18-45 years; 5 years relaxation for SC/ST/Divyangjan (Differently able) candidates.

6. Panel of Selected Candidates:

For every selected/engaged candidate, two candidates who are next in merit will be kept waiting. This waiting list will be valid for 6 months after the selection process is over."

[10] On conjoint reading of both the provisions it appears that while selecting such Anganwadi worker in a particular Anganwadi centre, it is the guideline of the State Government that freezing of the list of families being covered in the feeder area of the AWC will be ensured first before starting the selection process

and only the residents of the feeder areas (*emphasis laid*) as above will be entitled to apply. However, some relaxation in the said guideline is given to the effect that if the candidates are not available within the feeder area, then only the applications can be invited from the desirous candidates residing within the other areas of the said Gram Panchayat. Therefore, it appears that before going to decide the matter of selection on merit or on the basis of performance in the selection process, the important criteria which is required to be kept in mind that the person concerned should be within the feeder area of the concerned Anganwadi centre and if no candidate is found available within that feeder area, then only the candidates of other areas of the same Gram Panchayat can be taken into consideration.

[11] Here, from the said merit list under Annexure-2 of the counter affidavit, it appears that both the petitioner and respondent no.5 hail from common Gram Panchayat i.e. West Jarulbachai but there is no document placed before this Court as to whether both of them resides within the feeder area of Samnapara Anganwadi centre or not. When the appeal filed by the petitioner has been decided by the DM & Collector, nothing is discussed by said authority in that line. The simple observation as given by the DM & Collector, West Tripura is that according to the panel of interview board-cum-selection committee, Smt. Rita Debbarma's appointment as Anganwadi worker was found to be justified and therefore, claim of the petitioner was found to be unjustified. Though the DM & Collector, West Tripura mentioned the said

guidelines in the impugned order, but did not examine as to whether the engagement of respondent no.5 was made following said guideline in its true sense.

[12] It was also observed by the DM & Collector that both the parties were not inhabitant of Samnapara where the Anganwadi centre was located but they were residents of West Jarulbachai ADC village. When such observation was made by said authority, it was also incumbent upon the authority to examine further as to whether they were residents of the feeder area of that Anganwadi centre or not and then to come to the finding that appointment of respondent no.5 was proper. Thus, it appears that the appellate authority has failed to exercise its jurisdiction in examining the validity of the selection whether same was in terms of the said guidelines or not. Situated thus, this Court finds that the order issued by the DM & Collector on 22.11.2023 is required to be interfered with.

[13] In view of above, the writ petition is allowed. The impugned order dated 22.11.2023 passed by the DM & Collector, West Tripura is set aside. The matter is remanded to the DM & Collector, West Tripura again for fresh decision in the matter of eligibility of the disputing parties for selection as an Anganwadi worker strictly following the guidelines issued by the State. The DM & Collector, West Tripura will dispose of the appeal within 15 days from receipt of copy of this order.

With the above said direction, the writ petition is disposed of.

Pending application(s), if any, shall also stand disposed of.

JUDGE

Rudradeep

RUDRADEEP BANERJEE

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BANERJEE
Date: 2025.05.16 18:16:54 +05'30'



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