

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 1981/2020

Date of Pronouncement: 26.12.2025

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Robeena Kowser Age 29 years,
W/o Mohd. Tariq
R/o Ward No. 4, Panchayat Upper
Kewal Tehsil Koteranka, District
Rajouri

.....Appellant(s)/Petitioner(s)

Through: Mr. Ajaz Chowdhary Advocate

Vs

1. The UT of Jammu and Kashmir,
Through its
Commissioner/Secretary,
Social Welfare Department,
Civil Secretariat, Jammu/Srinagar.
2. The Director Social Welfare, State
Mission, Near panama Chowk,
Jammu
3. The Deputy Commissioner, Rajouri
4. The District Programme Officer,
Rajouri
5. Child Development Project Officer,
ICDS Project Budhal.
6. Gulshan Begum, Sarpanch, Upper
Panchayat Kewal, Budhal.
7. Supervisor ICDS, Budhal

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG
Mr. Masood Ahmed, Advocate

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER(ORAL)

1. In the instant petition, the petitioner states to have been engaged as Anganwari Worker in Anganwari Centre, Ward No. 4, Panchayat Kewal Upper, ICDS Budhal, District Rajouri upon promotion of one Smt. Kanchan Bala, who had been working as Anganwari Worker in terms of order dated 27.12.2018 issued by District Programme Officer, ICDS, Rajouri.
2. It is next stated that being the only eligible candidate available in the Panchayat, the petitioner was engaged, however, the said engagement of the petitioner was opposed by the Sarpanch of the area being respondent 6 herein who intended to such engagement for her daughter as Anganwari Worker in place of the petitioner and, therefore, in the process started harassing the petitioner and caused obstruction in discharge of her duties as well impressing upon respondents 3 and 4 herein to disengage the petitioner and in her place engage his said daughter, compelling the petitioner to approach this Court through the medium of the instant petition and to seek the following reliefs:-
 - a. ***“Mandamus, commanding the respondents to regularize the service of petitioner as per SRO-520 of 2017 dated 21.12.2017 and also in view of the judgment passed by the Hon’ble High Court of Jammu and Kashmir, J&K in case titled “Sunita Kumari & Ors Vs. State of J&K and Ors.” (SWP No. 1222/2015) along with connected matter dated 23.05.2018.***
 - b. ***Directing the respondents to pay the salary to the petitioner as per the Minimum Wages Act.***
 - c. ***Commanding the respondents not to replace the petitioner from the post of Anganwari worker with any other contractual employee till the services of the petitioner were regularized.***
 - d. ***Any other writ, command, order or direction, which this Hon’ble Court may consider just and fair in the facts and circumstances of the case.”***

3. Objections to the petition have been filed by the official respondents, wherein it is being admitted that on account of the promotion of the actual Anganwari Worker working in the Centre in question, the petitioner was engaged and that the respondents never intended to disengage the petitioner or else to replace her.
4. Objections have also been filed by respondent 6, wherein it is being stated that the engagement of the petitioner was backdoor without following the procedure prescribed by law and that since the post of Anganwari Worker was never filled up in accordance with rules, the same deprived the eligible candidates of the area from competing for selection and appointment against the post and that though the matter was brought into the notice of respondents 3 and 4, yet no action thereof was taken in this regard.

Heard counsel for the parties and perused the record.

5. Perusal of the record, available on the file in general and the engagement order of the petitioner dated 27.12.2018, *prima facie*, reveal that the petitioner came to be engaged as Anganwari Worker on account of the promotion of the actual Anganwari Worker namely Smt. Kanchan Bala and the said engagement order of the petitioner, indisputably stipulates that the said engagement is temporary in nature till the post is filled up through proper channel.
6. In view of the aforesaid position obtaining in the matter inasmuch as the petitioner having not thrown challenge to the said stipulation contained in the engagement order, as also in this view of the fact that the judgment relied upon by the counsel for the petitioner for regularisation of her services is not *per se* applicable, it is deemed appropriate to dispose of the instant petition at

this stage with the consent of the appearing counsel for the parties as follows:

- (i) That the official respondents shall undertake the process of selection against the post of Anganwari Worker in question in Anganwari Centre, Ward No. 4, Panchayat Kewal Upper, ICDS Budhal, District Rajouri in accordance with the rules as are presently applicable and consider the petitioner along with all eligible candidates and till such time said selection and appointment is made, the petitioner shall be allowed to continue against the post in question.
- (ii) The above exercise of selection and appointment be concluded preferably within a period of three months from the date a copy of this order is produced by either of the parties being for the petitioner or the respondent 6 herein before the official respondents.

7. *Disposed of.*

**(Javed Iqbal Wani)
Judge**

Jammu
26.12.2025
Rahul Sharma

Whether the order is reportable: Yes/No

Whether the order is speaking: Yes/No