

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

**WP(C) No. 2512/2021 c/w
WP(C) No. 2892/2021
WP(C) No. 1060/2022**

Date of Pronouncement: 24.12.2025

Uploaded on: 30.12.2025

1. Tahira Naseem, Age 38 years,
D/o Sh. Mohd. Shafi W/o
Mohd. Yaqoob R/o Village
GhambirMughlan-D Tehsil
Manjakote District Rajouri
(J&K).

2. Zahida Koser, Age 34 years
D/o Sh. Mohd. Hussain R/o
Village Neli House No. 23
Near Govt. School, Neli Tehsil
Manjakote, District Rajouri.

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

Through: Mr. Z.A. Qazi, Advocate
Vs

1. Union Territory of Jammu &
Kashmir, Through its
Commissioner/Secretary, Social
Welfare Department, Civil
Secretariat, Srinagar-190001.

2. The Director, Social Welfare
Department, Haj House, Block-A,
2nd Floor, Near Bahu Plaza, Jammu-
180012.

3. The Mission Director, ICDS, U.T. of
J&K, Government of J&K, Jammu

4. The District Programme Officer,
ICDS, Rajouri-185131.

5. The Child Development Project
Officer (CDPO), ICDS Project
Manjakote District Rajouri.

..... Respondent(s)

Through: Ms. Monika Thakur, Advocate vice
Mr. Ravinder Gupta, AAG

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

ORDER(ORAL)

1. The issues involved in the petitions are akin and analogous to each other, as such, are being taken up for disposal at this stage with the consent of appearing counsel for the parties and are accordingly, *disposed* hereunder.
2. The petitioners herein claimed to have been engaged as Anganwari Helpers by the respondents in various Anganwari Centres in District Rajouri and Jammu in the year 2012, 2014 respectively, stating further that after discharging their duties in their respective Anganwari Centres for a considerable period of time, the said engagement of the petitioners was sought to be terminated by the respondents in terms of order No. SWD/ICDS/49/2021 dated 27.08.2021; Order No. CDPO/ICDS/req/6026.27/21 dated 04/09/2021; Order no: POR/ICDS/2021/742-748 dated 30-09-2021 as well as Order No. CDPO/MKT/227/2021 dated 22 /10/2021 read with order dated 13-SMD of 2015 dated 22.04.2015 issued by the Administrative Secretary to Government, Social Welfare Department, and Mission Director, ICDS, J&K respectively and that the said dis-engagement of petitioners, ordered pursuant to the said orders, came to be ordered without issuing any notice to the petitioners or else affording them an opportunity of hearing, inasmuch as, in breach and violation of their legal, statutory and fundamental rights.
3. Objections to the petitions have been filed by the respondents, wherein, it is being admitted that the petitioners though came to be engaged as Anganwari Helpers, yet the said engagements were made against the rules and norms and, as such the engagement of the petitioners and other similar Anganwari

Helpers came to be ordered to be dis-engaged and that there was no requirement for following the principles of natural justice.

Heard counsel for the parties and perused the record.

4. Learned counsel for the petitioners, while making his submission in tune with the contentions raised in the petitions, invited the attention of this Court to the judgment of the Division Bench delivered in case titled as ***“UT of J&K and others vs. Shama Begum”*** being ***LPA No. 140/2021***, filed against the common judgment and order dated 23.05.2018 rendered in 94 writ petitions, wherein the Division Bench, while dealing with the similar issue of the dis-engagement of Anganwari Helpers, upheld the view of the Writ Court holding such disengagement to be legally invalid, while besides recording various observations and reasons, observed and held as under;

“Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the impugned judgment passed by the Writ Court is perfectly legal and unquestionable. The view taken by the Writ Court, in the given facts and circumstances, is legally sound and unexceptionable. We are saying so for the following reasons:

- (i) Indisputably, the writ petitioners were initially engaged on *ad hoc* basis and allowed to continue to work as Anganwari Worker/Helpers till the regular selection was made. The respondent-Department had not only failed to come up with norms of recruitment of Anganwari Workers/Helpers but also could not conduct the regular selection against the aforesaid positions for more than 15 years. This is how the writ petitioners, who were initially engaged on temporary basis, were allowed to continue by the Competent Authority for more than a decade. Throwing the writ petitioners after they have given best part of their life to the Department, that too, on the basis of a Government Order issued by the GAD bearing No.384-GAD of 2015 dated 17.03.2015 was absolutely uncalled for. The respondents did not realize that, by efflux of time and due to their inability to conduct the regular selection process for more than 15 years, the writ petitioners had become over-aged and had lost their right even to apply lest to seek for public employment. The continuation of the writ petitioners for more than a decade conferred a *de facto* permanency on them and, therefore, it was

totally unreasonable and harsh on the part of the respondents to throw them out that too without providing their regular replacement;

- (ii) The Government Order No. 384-GAD of 2015 dated 17.03.2015 pertained to all the engagements/arrangements made by different Government Departments/PSUs/Boards/Autonomous Bodies under any Scheme against sanctioned posts without any selection procedure, even on contractual basis. The said order, as is rightly held by the writ court, was general in nature and was not to be applied sweepingly without adverting to the facts and circumstances of each case. The writ petitioners as Anganwari Workers/Helpers were not engaged against any sanctioned civil posts under the Government, but were engaged on payment of honorarium under ICDS Scheme language by the Government of India to provide services like immunization, supplementary nutrition, health check-ups etc., to the pregnant/lactating mothers and children below the age of six years. The very nature of engagement as Anganwari Workers/Helpers is itself temporary and co-existent with the scheme. It is true that engagement of Anganwari Workers/Helpers, though on honorarium basis, may fall within the purview of distribution of Government largesse inviting the compliance with Article 14 of the Constitution of India. Ideally, there ought to have been a proper advertisement notification followed by a just, fair and transparent selection process. This did not happen in the instant case, for the reason, that, despite the ICDS having been launched in the State of Jammu and Kashmir, the Government of Jammu and Kashmir had not formulated guidelines and norms of selection for engagement as Anganwari Workers/Helpers. This necessitated the temporary/*ad hoc* engagement of the petitioners as Anganwari Workers/Helpers. We could have appreciated, if the respondents would have come up with the proper norms of selection and filled up the positions occupied by the writ petitioners by engagement of regularly selected candidates. The respondents did not take requisite steps to fill up these positions, but instead allowed the writ petitioners to continue for decades. It was, thus, totally unfair and unreasonable on the part of the respondents to come up with the impugned order and hit and terminated the services of the writ petitioners who had been engaged 10 to 15 years back.
- (iii) We cannot afford to lose sight of the fact that under similar set of circumstances the daily wagers engaged and *ad hoc* appointments made against the sanctioned posts in various Departments were regularized by the Government from time to time by promulgating statutory and non-statutory orders. The respondents/appellants herein should have done recheck to take a cue from the aforesaid regularisation orders and regularized the services of the writ petitioners as a one time exception.

- (iv) The respondents did not consider the aforesaid aspects of the matter in true and full perspective and have, in a completely arbitrary and illegal manner, terminated the engagement of the writ petitioners throwing them to fend for themselves for rest of their life. Had this action against the petitioners came immediately after their engagement or within a reasonable time, this Court would have been loath to interfere with such action of the respondents. The inordinate delay in taking action has conferred an entitlement and expectation amounting to a right on the writ petitioners to claim their continuation and regularization lest they will be left high and dry.
- (v) As observed above and reiterated herein, the continuation of the writ petitioners under the orders of the competent Authority from time to time without making any effort to make regular selection, has given a legitimate expectation to the writ petitioners that their services are treated as permanent.

5. Learned counsel for the petitioners would contend that the said judgment passed by the Division Bench is securely applicable to the case of the petitioners herein.
6. On the contrary, the counsel for the respondents though did not deny the passing of the said judgment by the Division Bench, yet would insist that since the engagement of the petitioners was made in violation of the applicable rules and norms, as such the competent authority was justified in ordering their disengagement.
7. Upon perusal of the record available on the file, including the pleadings of the parties and the annexures appended thereto, as well as the judgment of the Division Bench (supra), it is manifest that the said judgment of the Division Bench is squarely applicable to the case of the petitioners herein.
8. Under these circumstances, in view of the aforesaid reasons recorded by the Division Bench, the instant petitions are *disposed* of and, while quashing the impugned orders, the respondents are commanded to allow the petitioners to continue to discharge their duties as Anganwari Helpers in their respective

Anganwari Centres and also pay them their honorarium to which they are entitled thereto and also accord consideration to the cases of the petitioner for regularisation of their services in accordance with applicable rules and norms.

9. *Disposed* of.

10. A copy of the order shall be placed on the record file of each of the petitions.

(Javed Iqbal Wani)
Judge

Jammu

24.12.2025

Rahul Sharma

