

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

Case No. :- SWP No. 2761/2014

Date of pronouncement: 11.12.2025

Uploaded on : 15.12.2025

Nusrat Parveen

..... Petitioner(s)

Through: Mr. C. M. Koul, Sr. Advocate with
Mr. A. R. Bhat, Advocate

Vs

State of J&K & Ors.

..... Respondent(s)

Through: Ms. Pallavi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG

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

ORDER(ORAL)

1. Petitioner in the instant petition, filed under Article 226 of the Constitution of India, has sought quashing of order/communication No. ICDS/Nsr/24-30/2014 dated 31.05.2014 issued by the Child Development Project Officer, Nowshera – respondent No. 4 herein, besides seeking a direction upon the respondents not to give effect to the said order/communication whereby respondent 5 herein came to be appointed as Anganwari Worker upon replacement of the petitioner as Anganwari Worker engaged vide order dated 27.01.2014.
2. It is the case of the petitioner that while discharging her duties as Anganwari Worker pursuant to her engagement order dated 27.01.2014, the official respondents without any lawful justification issued impugned order/communication dated 31.05.2014 directing the engagement of respondent 5 herein as Anganwari Worker in the Anganwari Center,

Pukhrani in place of the petitioner. It is also the case of the petitioner that the official respondents, in breach of the settled position of law, substituted respondent 5 in place of the petitioner as Anganwari worker without undertaking any process of regular selection and appointment against the said post.

3. Objections to the petition have been filed by the respondents to the petitioner admitting therein that the petitioner came to be engaged as Anganwari Worker for the Anganwari Center-in-question on temporary basis and that after the expiry of her term of temporary engagement, respondent 5 came to be engaged in her place in terms of order dated 31.05.2014. It is further averred that after passing of *status quo* order by this Court on 01.10.2014 in the instant petition the answering respondents did not disturb the position of petitioner and allowed her to discharge her duties as Anganwari Worker. It is further stated that an enquiry in the matter was also conducted, which revealed that respondent 5 being the resident of ward no. 2 is not entitled to the engagement as Anganwari Worker for the Anganwari Center-in-question, whereas the petitioner being resident of ward No. 3 came to be engaged as the genuine candidate besides being also possessed of merit. It is further stated that the Director, Social Welfare Department also issued instructions that the petitioner be allowed to continue at Anganwari Center-in-question till regular selection to the post is made by the competent authority and that in terms of the said order, the petitioner has been performing her duties, however, due to the pendency of the petition, her honorarium could not be released.

Heard counsel for the parties and perused the record.

4. Having regard to the aforesaid stand taken by the respondents that the petitioner came to be engaged as Anganwari Worker in the Anganwari Center-in-question rightly in view of her eligibility as against the respondent 5 who was found not belonging to the Ward where the Anganwari Center stands established and that the enquiry initiated in the matter established the genuineness of the claim of petitioner as also that after the passing of the interim order by this Court on 01.10.2014 the petitioner has been working against the post-in-question, but without honorarium, on account of pendency of the petition, nothing further requires to be done by this Court in the matter.
5. Accordingly, the instant petition is *allowed* and is disposed of by providing that the petitioner shall be allowed to continue as Anganwari Worker for Anganwari Center, Pukhrani, till regular selection is made thereto, or till the post is filled up in accordance with rules including by way of regularization of the services of the petitioner in terms of the applicable law and rules. Respondents are further directed to pay honorarium to the petitioner to which she is entitled to for the services rendered by her as Anganwari Worker in the Anganwari Center-in-question from 01.10.2014.
6. *Disposed of.*

(Javed Iqbal Wani)
Judge

Jammu
11.12.2025
Diksha

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No