

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 118/2025 in
[SWP 118/2016]

MEEMA BANO...Petitioner(s)/Appellants(s)
)

Through: Mr. T.A Lone, Advocate

Vs.

STATE OF J AND K AND ORS....Respondent(s)

Through: Mr. Waseem Gul, GA with
Mr. M. Younis, AC
Mr. Moomin Khan, Advocate

CORAM: HON’BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON’BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

O R D E R
02.12.2025

1. This intra court appeal by the appellant-Meema Bano is directed against an order and judgment dated 08.05.2025, passed by the learned Single Judge of this Court [“the Writ Court”] in SWP No. 118/2016, whereby the Writ Court has dismissed the writ petition filed by the appellant.
2. Briefly stated the facts leading to the filing of this petition are that, in terms of an Advertisement Notification issued by CDPO/ICDS, Tral on 25.08.2014, applications were invited from the eligible candidates for selection of Anganwari Worker in Anganwari Centre Dar Mohalla near Graveyard Larkipora.
3. The appellant as well as respondent No. 5 submitted their application forms and sought consideration against the said post. On 1st of March

2015 a tentative selection of Anganwari Workers of ICDS Project, Tral was published in which the petitioner-Meema Bano was shown tentatively selected as Anganwari Worker in Anganwari Centre Dar Mohalla Larkipora, Tral.

4. The selection culminated into issuance of order of engagement issued by CDPO/ICDS Tral in favour of the appellant.
5. Feeling aggrieved by the selection of the appellant herein, the respondent No. 5 filed SWP No. 789/2015 and assailed the selection and engagement of the appellant herein on the ground that she did not belong to Dar Mohalla where the Angawari Centre in question was located.
6. The writ petition was disposed of by a Bench of this Court vide order dated 17.09.2015, directing the Additional Deputy Commissioner, Pulwama to hold an inquiry into the matter to find out as to whether the appellant herein was a resident of Dar Mohalla, Larkipora i.e; the hamlet/habitation where the Anganwari Centre in question was located.
7. In compliance with the order dated 17.09.2015 (supra), the Additional Deputy Commissioner, Pulwama conducted an inquiry. Apprehending that despite the inquiry report being not against her, the official respondents may terminate her engagement, the appellant filed SWP No. 118/2016. Obviously, when the writ petition SWP No. 118/2016 was filed, the appellant, as is claimed by her, was not aware of any disengagement order issued by the official respondents against her. The entire petition was premised on the apprehension that the official respondents were likely to disengage her as Anganwari Worker of Anganwari Centre Dar Mohalla Larkipora.

8. The writ petition was contested by the official respondents as well as the respondent No. 5 herein. It was brought to the notice of the Writ Court that the Additional Deputy Commissioner, Pulwama had conducted the inquiry and submitted the report to the concerned authorities and that acting upon the aforesaid report, an order of disengagement of the appellant herein too stood passed before the filing of the writ petition by the appellant herein.
9. It was alleged by the respondents that the writ petition was filed by the appellant by suppression of material information from the Court so as to persuade the Court to pass an order of status quo so that she could continue in service despite having been disengaged by the official respondents.
10. It seems that this information was brought on record not by the official respondents but by the private respondent when she filed her objection to the petition.
11. It further transpires from the impugned judgment passed by the Writ Court, that the Writ Court also perused the original record produced by the official respondents and found the disengage order of appellant existing therein.
12. It is on the basis of material which was brought to the notice of the learned Single Judge, it was concluded by the Writ Court that the appellant had deliberately not placed on record the copy of the inquiry report and the order of disengagement though she was well aware and had even received the order of her disengagement.
13. It is in these circumstances, the Writ Court dismissed the writ petition in terms of judgment impugned in this appeal.
14. Having heard learned counsel for the parties and perused the original

record produced by the official respondents, we find that it is little doubtful as to whether the appellant was actually aware of the disengagement order passed against her. This is so because had she been disengaged by formal order of disengagement, she would not have been in service on the date the order of status quo was passed. It shows that possibly the order of disengagement had been passed but the same had not been given effect to by serving a copy thereof upon the appellant herein. We are not sure but the aforementioned circumstances create a reasonable doubt in the mind of the Court that possibly the appellant was not served with the order of disengagement. It was shown to the Writ Court during hearing of the matter, and, therefore, appellant had no opportunity to assail it.

15. In these circumstances, we are though not persuaded to set aside the judgment passed by the Writ Court, yet deem it in the interest of justice to give liberty to the appellant to challenge the order of her disengagement by way of a fresh writ petition. ***Ordered, accordingly.***

16. The official respondents are directed to provide the appellant a copy of the inquiry report and the order of dis-engagement within a period of two weeks from today.

17. The appeal is disposed of in terms of above.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
02.12.2025
“S.Nuzhat”