

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

Case:- SWP No. 2184/2017

Santosh Kumari W/o Sh. Ravi Kumar R/o Ward No. 12
Sheetla Mandir Gali, Udhampur.

.....Petitioner(s)

Through: Ms. Tavleen Kour, Advocate vice
Mr. Rohit Verma, Sr. Advocate

Vs

1. State of J&K through Commissioner Secretary Social Welfare, Civil Secretariat, Srinagar/Jammu.
2. District Programme Officer, ICDS Udhampur.
3. Child Development Project Officer, Udhampur

..... Respondent(s)

Through: Mr. Meharban Singh, AAG

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

JUDGMENT(ORAL)
(14.09.2026)

- 01.** In the instant petition, the petitioner has challenged the Advertisement Notice No. 11 of 2017 dated 12.05.2017, insofar as it relates to the selection of Anganwadi Worker for Anganwadi Centre W.No. 10-B in Ward No.10 (Urban), Udhampur with a further direction upon the respondents to select/promote the petitioner against the post of Anganwadi Worker.

FACTUAL MATRIX

- 02.** The petitioner is stated to have passed the Higher Secondary Part-II Examination in the year 1994 from the J&K State Board of School Education. She also passed the Trade Test in the trade of Cutting and Tailoring from the Government Industrial Training Institute, Jammu, under the Directorate of Technical Education, J&K, in the year 1994.

03. The petitioner was engaged as an Anganwadi Helper at Anganwadi Centre W. No. 10, Ward No. 10 (Urban), Udhampur, vide Order dated 12.11.2009 issued by respondent No. 3 and since then, she has been continuously discharging her duties at the said Anganwadi Centre. It is further stated that one Anuja Mahajan, who was working as an Anganwadi Worker at the said Anganwadi Centre, left the engagement in January 2015, thereafter, the petitioner is stated to have been discharging the duties of both Anganwadi Worker as well as Anganwadi Helper at the said Centre.

04. The State of Jammu and Kashmir has formulated Integrated Child Development Scheme, which, though mentions about promotion to the Anganwadi Workers/Helpers, but no criteria for promotion has been provided in the said Scheme. The criteria for promotion is reproduced as under:

“Promotion of Anganwadi Workers/Helpers.

Promotion to the post of Supervisor under 50% promotional Quota. Out of the total promotional quota 50% is reserved for Graduate Workers with more than 5 years experience as a Worker and 50% for under Graduate Workers with more than 10 years experience.”

05. It is stated that the petitioner has already completed almost eight years of service as Anganwadi Helper till 2017, now 17 years as on date, as such, she claims to possess the requisite qualification and eligibility for engagement/selection as an Anganwadi Worker. The petitioner has submitted a representation to the Director Social Welfare Department, Jammu requesting consideration of her case for promotion as Anganwadi

Worker against the post pertaining to the said Anganwadi Centre, however, no heed has been paid to her representation.

- 06.** Respondent No.3 issued an Advertisement Notice No. 11 of 2017 dated 12.05.2017, inviting applications for engagement as Anganwadi Workers in Anganwadi Centres situated in different wards, including the Anganwadi Centre W.No. 10-B in Ward No.10 (Urban), Udhampur. The petitioner has challenged the Advertisement Notice (supra) on the ground that she being fully eligible is entitled to be considered for the said post in terms of the Government Order No. 07-SW of 2010 dated 18.01.2010.
- 07.** *Per Contra*, the respondents, in their reply, have stated that the petitioner is not eligible to be appointed as Anganwadi Worker on account of the fact that she does not fulfill the requirement of having 10 years experience as an Anganwadi helper on the date vacancy for the post of Anganwadi Worker was advertised. However, the petitioner has every right to participate in the selection process initiated pursuant to Advertisement Notice No. 11 of 2017 dated 12.05.2017, which has been stayed vide order dated 05.09.2017, the same is reproduced as under:

“Issue notice to the respondents returnable within three weeks. Notice in MP as well.

Meanwhile, subject to objections from other side and till next date before the Bench, status quo with respect to selection process for engagement of Anganwadi Worker in Anganwadi Centre, W.No.10 B in Ward No.10 Urban, Udhampur pursuant to Advertisement Notice No. 11 of 2017 dated 12.05.2017 shall remain stayed.

List immediately after three weeks.”

08. Heard learned counsel for the parties and perused the material on record.
09. As per the Advertisement Notice No. 11 of 2017 dated 12.05.2017, the eligibility for Anganwadi Workers is as under:

“Eligibility for Anganwadi Workers

1. The candidate must be in the age of 18-44 years as on 01-01-2017.
2. The applicant must be the permanent resident of J&K state,
3. Minimum qualification for Anganwadi Workers shall be matriculate and in case no matriculate candidate is available in the said ward, candidates from the revenue village shall be preferred.
4. The candidate should belong to the Ward, where the Anganwadi centre is located/sanctioned. If a suitable candidate is not available in that ward, the candidate from the concerned revenue village of which the said ward is a part shall be preferred.
5. Criteria for selection of AWW
Weightage shall be given to the viva-voce and academic qualification as per break-up given below:

1) Matriculation	70 points
2) 10+2	05 points
3) Graduation	05 points
4) Viva Voce	20 points

Further, the Weightage to the academic merit calculated on pro rata basis

The application forms complete in all respects as per the Performa given in Annexure "A" of this notice should be deposited in the **Office of the Child Dev. Project Officer Udhampur, Opposite Chief Education Officer. Old Sports Authorities of India Complex, Dandyal, Udhampur** by personal delivery or through Post office during working hours against the proper receipt. The last date for receipt of application forms is **26.05.2017** up to 02:00 P.M and after the last date no forms shall be entertained. The incomplete forms shall be rejected without any clarification and the candidates have no right to claim.”

10. The learned counsel for the petitioner has relied upon clause 3(i) of the Government Order No. 07-SW of 2010 dated 18.01.2010 regarding Criteria for Selection of Anganwadi Worker, which clearly states that “*where any vacancy of Anganwadi Worker arises due to the resignation, promotion, or for any other reason other than death of the Worker, the same shall be*

filled up from amongst the Helpers of the village subject to Helper possessing a minimum qualification of matriculation and experience of not less than 10 years at the time of accruing of vacancy.”

11. It is clearly stated in the Government Order dated 18.01.2010 that any vacancy of Anganwadi Worker arises due to resignation, promotion or any other reason, the same shall be filled up from amongst the Helpers of the village subject to Helper possessing a minimum qualification of matriculation and experience of not less than 10 years at the time of accruing of vacancy.
12. In the instant petition, the vacancy accrued in the year 2017, when the petitioner admittedly had an experience of about eight years, as such, she was ineligible at the time of issuance of advertisement in terms of Government Order dated 18.01.2010. It is also admitted by the learned counsel for the petitioner that as per Advertisement Notice, the eligibility of Anganwadi Workers stipulates that the candidate must be in the age of 18 to 44 years as on 01.01.2017, whereas the petitioner had already completed the age of 47 years as on 01.01.2017, on this count also, the petitioner was not eligible to participate in terms of Advertisement Notice dated 12.05.2017.
13. It is stated by the learned counsel for the petitioner that with the efflux of time, the petitioner herein has already completed the period of 17 years as experience which can be counted for her promotion against the post of Anganwadi Worker.

14. Since the vacancy, against which the petitioner is discharging her duties as Anganwadi Worker, has not been filled up till date, as such, the respondents can consider the claim of the petitioner, who is discharging her duties as Anganwadi Worker as well as Helper from the last more than 17 years, after considering relaxation of her age, if permissible under rules.
15. Accordingly, the instant petition is disposed of with a direction upon the respondents 2 and 3 to consider the claim of the petitioner for her promotion as Anganwadi Worker, within a period of one month from the date of passing of this order, subject to her eligibility strictly in term of Rules applicable by passing a speaking order thereon. However, it is made clear that till the claim of the petitioner is considered and decided by the respondents by passing a speaking order thereon, the respondents are directed to allow the petitioner to continue/discharge her duties at the present place of posting.

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
14.09.2026
Vijay

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