

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
LPA No. 177/2026
CNR No. JKHC01-004112-2026**

**Reserved On:10/08/2026
Pronounced On:13/08/2026
Uploaded on: 13/08/2026
Whether the operative part or
full judgment is pronounced: Full**

**Nazneena Gowher (Aged 54 years)
W/O: Gh. Nabi Dar
R/O: Seer Hamdan, Tehsil Mattan,
District Anantnag, Kashmir** **...Appellant(s)**

**Through: Mr. J.H. Reshi, Advocate with
Mr. Shah Murtaza, Advocate**

Vs.

- 1. Union Territory of J&K Through
Commissioner/Secretary to
Government of J&K, Department of
Social Welfare, Civil Secretariat,
Jammu/Srinagar**
- 2. Director General Women & Child
Development Department, J&K
Srinagar.**
- 3. Mission Director, Poshan, J&K,
Srinagar.**
- 4. District Program Officer, Poshan,
District Anantnag**
- 5. Child Development, Project Officer,
Poshan, Khovarpura, District
Anantnag.**
- 6. Supervisor, Poshan, Seer Hamdan,
District Anantnag.**
- 7. Maryam Sultan
W/O: Rafiq Ahmed Ahanger
R/O: Seer Hamdan, District
Anantnag.**

...Respondent(s)

Through:

CORAM:

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE**
JUDGMENT

Chief Justice (A):-

01. This intra-court appeal, filed by the appellant under Clause 12 of the Letters Patent, is directed against an order and judgment dated 24.07.2026, passed by the learned Single Judge of this Court [“the writ Court”] in WP(C) No. 2838/2023 titled **“Nazneena Gowher Vs. Union Territory of J&K and Ors of J&K and Ors.”**, whereby the writ Court has dismissed the writ petition filed by the appellant to throw challenge to Order No. CDPO/Poshan/Kvp/2023/928-32, dated 17.10.2023.

02. Before we advert to the grounds of challenge urged by Mr. J.H. Reshi, learned counsel appearing for the appellant, we deem it appropriate to narrate few facts as are relevant to the disposal of this appeal.

03. The appellant came to be appointed as Anganwadi Helper in Anganwadi Centre Kral Mohalla, Seer, in terms of an order issued by the CDPO, Khobarpora, on 08.02.2006. In the year 2014, Smt. Sunita Kumari, who was working as Anganwadi Worker in Anganwadi Centre Astan Mohalla, Seer-B (Ward No. 6) came to be promoted as Supervisor, as a result whereof the post of Anganwadi Worker fell vacant.

04. Vide Advertisement Notification dated 12.11.2015, the said post was notified for making selection as per norms. The appellant was functioning as Anganwadi Helper in Anganwadi Centre Kral Mohalla, Seer, since 08.02.2006 and had acquired eight years experience by the time the vacancy of Anganwadi Worker in Anganwadi Centre Astan Mohalla, Seer-B (Ward No. 6) occurred. She had an eye on the post.

05. Feeling aggrieved by the issuance of the said Advertisement notification by the respondents, the appellant challenged the same in SWP No. 2834/2015. Initially, there was interim relief granted to the appellant in the said writ petition. However, vide order and judgment dated 24.10.2017, SWP No. 2834/2015 filed by the appellant was dismissed.

06. With the dismissal of the writ petition filed by the appellant, the official respondents proceeded to conclude the selection process for the post of Anganwadi Worker in Anganwadi Centre, Astan Mohalla, Seer-B (Ward No. 6). It is pleaded by the appellant that, out of the seven candidates who applied for the post, only one candidate i.e., respondent No. 7 was found eligible. The Advertisement Notification was, thereafter, cancelled in view of the norms in vogue promulgated vide order dated 31.03.2018.

07. The respondent No. 7 herein represented before the official respondents against the cancellation of the Advertisement Notification. Simultaneously, the appellant also made a representation seeking her promotion to the post of Anganwadi Worker having fallen vacant due to cancellation of the Advertisement Notification. When no action was taken on her representation, the appellant filed SWP No. 119/2019, in which the learned Single Judge of this Court, vide interim order dated 25.01.2019, directed the official respondents to consider the representation of the appellant. The representation of the appellant was considered and vide order dated 18.02.2019, the appellant was promoted/appointed as Anganwadi Worker in Astan Mohalla, Seer-B (Ward No. 6).

08. The appellant having got the aforesaid relief from the official respondents withdrew the SWP No. 119/2019. It is the case of the appellant that after her promotion as Anganwadi Worker, the respondent No. 7 filed a complaint against her promotion, whereupon an inquiry was directed into the matter. The respondent No. 7 also filed an appeal before the Deputy Commissioner, Anantnag, against the promotion of the appellant. The matter was considered by the official respondents and the respondent No. 5 vide Order dated 17.10.2023, cancelled the promotion of the appellant. It is this order of cancellation of promotion which was impugned by the

appellant in WP(C) No. 2838/2023, which came to be dismissed by the writ Court in terms of the judgment impugned in this appeal.

09. The writ Court concluded that, as per the norms for identification of Anganwadi Centres and selection of Anganwadi Workers/Helpers, issued by the respondents vide Government Order No. 07 SW of 2010 dated 18.01.2010, the appellant was required to possess experience of 'not less than ten years' at the time of acquiring of vacancy of Anganwadi Worker.

10. The writ Court, thus, found the appellant not eligible to be promoted/appointed as Anganwadi Worker. The writ Court also turned down the contention of the appellant that the impugned order of cancellation of promotion could not have been passed without adhering to the principles of natural justice, on the ground that it was the case of the appellant herself that she had appeared before the Inquiry Officer and had submitted her response by way of an application dated 20.06.2020. The appellant is, however, not satisfied with the judgment of the writ Court and is before us in this appeal.

11. Having heard learned counsel for the appellant and perused the material on record, we are of the considered opinion that the judgment passed by the writ Court addresses all aspects of the matter and is perfectly in accordance with law. The short question that arises for

determination in this appeal is whether the appellant, who was appointed as Anganwadi Helper on 08.02.2006, had acquired any right to be appointed/promoted as Anganwadi Worker in the adjoining Anganwadi Centre at the time of acquiring of vacancy in the said centre.

12. Indisputably, the vacancy in the Anganwadi Centre Astan Mohalla, Seer-B (Ward No. 6), occurred on the promotion of the incumbent Anganwadi Worker Smt. Sunita Kumari on 28.02.2014. The appellant had an experience of working as Anganwadi Helper of eight years only. The clause (i) of Paragraph 3 of the Government Order dated 18.01.2010 (supra), which is relevant for our purpose, reads as under:-

“3. (i) Whenever any vacancy of Anganwadi Worker arises due to the resignation, promotion, or for any other reason, other than death of 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 ten years at the time of accuring of vacancy.”

13. A plain reading of the aforesaid provision makes it abundantly clear that an Anganwadi Helper seeking appointment/promotion to the post of Anganwadi Worker fallen vacant in the village must fulfill twin qualifications:-

(i) *She must possess the minimum educational qualification of Matric; and*

(ii) *She must have experience of not less than ten years at the time when the vacancy arises.*

14. In the instant case, when the vacancy acquired on the promotion of Smt. Sunita Kumari on 28.02.2014 as Supervisor, the appellant had barely acquired an experience of eight years and, therefore, was not eligible to be considered for appointment/promotion as Anganwadi Worker. The official respondents, therefore, did not commit any illegality in notifying the vacancy for making selection as per the norms by inviting applications from all eligible candidates.

15. It is true that the Advertisement Notification issued for filling up the vacancy could not be taken to its logical end and the same was cancelled for want of competition. It is stated that there was only one eligible candidate who had responded to the aforesaid notification. In that situation also, the vacancy was not to be offered to the appellant but was rather required to be notified again.

16. It was at this stage the appellant created trouble and staked her claim on the ground that she had now completed ten years experience and, therefore, fulfills the norms of appointment as Anganwadi Worker.

Initially, in terms of interim directions passed by the writ

Court, the appellant was accommodated and was promoted as Anganwadi Worker, but later on the complaint made by the respondent No. 7, who was the only eligible candidate who had responded to the Advertisement Notification, the matter was reexamined and it was found that the appointment of the appellant as Anganwadi Worker was contrary to the norms.

17. It is in these circumstances, the appointment/promotion of the appellant as Anganwadi Worker was cancelled. It was vehemently argued by Mr. J.H. Reshi, learned counsel appearing for the appellant that order of cancellation of appointment of the appellant as Anganwadi Worker could not have been passed without adhering to the principles of natural justice. The writ Court has dealt with the issue effectively and we do not wish to repeat the same reasoning.

18. Suffice it to say, that before the cancellation of appointment of the appellant as Anganwadi Worker an inquiry was conducted, The Inquiry Officer afforded an opportunity of hearing to the appellant, and the appellant availed the said opportunity by submitting her written response/application dated 20.06.2020. The contention that the appellant was condemned unheard, therefore, has no factual foundation.

19. Otherwise also, the material facts are not in dispute. The Clause (i) of Paragraph 3 of the norms is

clear and unequivocal. An Anganwadi Helper staking her claim against the post of Anganwadi Worker on accrual of such vacancy is required to possess an experience as Anganwadi Helper of 'not less than ten years' at the time of accrual of the vacancy. As per own showings of the appellant, the vacancy accrued on 28.02.2014, and at that point of time the appellant had barely completed eight years of experience.

20. In view of the aforesaid admitted position, the providing of opportunity of hearing even ten times would not have changed the position. Where the facts are firmly established and the parties are *ad idem* with regard to the factual position, insisting compliance with the rule of *audi alteram partem* would be a useless formality. Different result could not have been achieved had the appellant been given another opportunity of explaining her position.

21. For the foregoing reasons, we find no merit in this appeal and the same is, accordingly, **dismissed**.

(Mohd Yousuf Wani)
JUDGE

(Sanjeev Kumar)
Chief Justice (A)

SRINAGAR:

13.08.2026

"Mir Arif"

- (i) Whether the judgment is reportable? Yes/No.
- (ii) Whether the judgment is speaking? Yes/No.