

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

Reserved on: 20.07.2026

Pronounced on: 24.07.2026

Uploaded on: 24.07.2026

*Whether the operative part or full
judgment is pronounced: **Full***

WP(C) No.2838/2023

NAZNEENA GOWHER

...PETITIONER(S)

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

Vs.

UT OF J&K AND ORS.

...RESPONDENT(S)

Through: - Mr. T. A. Lone, Dy. AG.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioner, through the medium of present petition, has challenged order No.CDPO/Poshan/Kvp/2023/928-32, dated 17.10.2023, whereby the order of promotion issued in her favour as Anganwadi Worker in terms of Order No. CDPO /Kvp/2019/873-77 dated 18.02.2019 has been cancelled with immediate effect.

2) As per the case set up by the petitioner, she came to be appointed as an Anganwadi Helper in Anganwadi Centre Kral Mohalla, Seer, in terms of Order No.CDPO/Kvp/2006/487-88 dated 08.02.2006, after participating in the selection process. It has been submitted that vide Order No.1086-WP(C) No.2838/2023

DSWK of 2014 dated 28.02.2014, Smt. Sunita Kumari, who was functioning 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. The said post was advertised by the official respondents in terms of Notice No. CDPO/KVP/2015 dated 12.11.2015. However, the said Advertisement Notice was challenged by the petitioner before this Court vide SWP No.2834/2015 on the ground that she was about to complete ten years of service as Anganwadi Helper and, therefore, in terms of Government Order No.07-SW of 2010 dated 18.01.2010, she was entitled to be considered for promotion to the said post. The Advertisement Notice dated 12.11.2015 was stayed by this Court in terms of interim order dated 31.12.2015, but the main writ petition came to be dismissed by this Court in terms of judgment dated 24.10.2017.

3) It is being submitted that pursuant to the judgment of this Court, the official respondents proceeded to conclude the selection process for the post of Anganwadi Worker for Anganwadi Centre Astan Mohalla Seer-B. According to the petitioner, out of seven candidates who had applied for the post, only one candidate (respondent No. 7 herein), was found eligible. In terms of the norms in vogue, vide Order No.

respondent No. 5, Advertisement Notice dated 12.11.2015 came to be cancelled because only one applicant was found eligible.

4) While respondent No.7 made a representation against the cancellation of the Advertisement Notice, the petitioner also made a representation dated 02.11.2018, seeking promotion to the post of Anganwadi Worker on account of cancellation of the Advertisement Notice (supra).

5) When no action was taken by the official respondents on the representation of the petitioner, she filed a writ petition bearing SWP No.119/2019, wherein an interim order came to be passed on 25.01.2019, directing the official respondents to consider the representation of the petitioner. Pursuant to the aforesaid direction, the petitioner was formally promoted as Anganwadi Worker for Anganwadi Centre Astan Mohalla Seer-B in terms of Order No.CDPO/Kvp/2019/873-77 dated 18.02.2019, issued by respondent No.5. After issuance of the aforesaid order, the petitioner withdrew the writ petition bearing SWP No.119/2019.

6) It has been submitted that a complaint was filed by respondent No.7 against the order of promotion issued in favour of the petitioner. In this regard, respondent No. 3, vide Order No.480-SMD of 2019 dated 31.07.2019, directed an

enquiry into the matter. During the course of the enquiry, response of the petitioner was also sought, which she submitted vide her application dated 20.06.2020. Respondent No.7 also filed an appeal before the Deputy Commissioner, Anantnag, against the promotion order issued in favour of the petitioner. Thereafter, respondent No.5 proceeded to cancel the promotion of the petitioner in terms of the impugned order dated 17.10.2023.

7) The petitioner has challenged the impugned order on the ground that the same has been passed without adhering to the principles of natural justice, inasmuch as the petitioner has neither been afforded an opportunity of being heard nor has she been associated with the enquiry. It has further been contended that once the Advertisement Notice dated 12.11.2015 was cancelled, respondent No.7 had no cause to challenge the promotion of the petitioner.

8) The official respondents, in their reply to the writ petition, while admitting the factual aspects of the case as stated by the petitioner, have submitted that the petitioner had challenged the order whereby an enquiry into the matter had been instituted by filing WP(C) No.3407/2019, which came to be disposed of in terms of order dated 25.11.2019, whereby it was directed that, in case the respondents contemplate to take any action adverse to the interests of the

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petitioner, whether pursuant to the enquiry envisaged in the impugned order or otherwise, the same shall be taken only after affording a reasonable opportunity of being heard to the petitioner.

9) It has also been submitted that in terms of the directions dated 24.10.2017 passed in SWP No.2834/2015, the official respondents were directed to finalize the process of selection of Anganwadi Worker initiated pursuant to Advertisement Notice dated 12.11.2015 in accordance with the norms governing the field. Pursuant to these directions passed by this Court, the official respondents called the relevant records and, after examining the same, decided to process the matter in the light of the directions of the Court after providing an opportunity of being heard to the petitioner and thereafter the impugned order cancelling the promotion of the petitioner was issued. The official respondents have contended that the petitioner is otherwise not eligible for promotion to the post in question as per the requisite qualification, as such, her claim deserves to be rejected.

10) Respondent No. 7 has also filed her reply to the writ petition, wherein she has, more or less, admitted the factual aspects of the matter. It has been submitted that the Enquiry Officer has, in his report, clearly stated that the

Advertisement Notice had been cancelled without the approval of the District Selection Committee and that the promotion order issued in favour of the petitioner as Anganwadi Worker was also without the approval of the competent authority and, accordingly, the promotion order issued in favour of the petitioner promoting her as Anganwadi Worker has been cancelled. It has been submitted that, pursuant to order dated 25.11.2019 passed in WP(C) No.3407/2019, a show cause notice was issued to the petitioner. It has also been submitted that, as soon as respondent No.7 came to know about the issuance of promotion order in favour of the petitioner, she filed an appeal before the Deputy Commissioner, Anantnag, against the said order. However, during the pendency of the said appeal, the promotion order issued in favour of the petitioner came to be cancelled in terms of the impugned order dated 17.10.2023 and, consequently, the appeal was rendered infructuous.

11) I have heard learned counsel for the parties and perused record of the case.

12) As already stated, the factual aspects of the case are, more or less, admitted by the parties. The petitioner is claiming promotion to the post of Anganwadi Worker on the ground that she has put in more than ten years' service as

Anganwadi Helper. In terms of Government Order No.07-SW of 2010 dated 18.01.2010, which was in vogue at the relevant time, one of the criteria for selection of an Anganwadi Worker was that, whenever a vacancy of Anganwadi Worker arises due to resignation, promotion or for any other reason other than the death of the worker, the same was to be filled up from amongst the Helpers of the village, subject to the Helper possessing a minimum qualification of matriculation and experience of not less than ten years at the time of accrual of the vacancy. It was further provided that, whenever any Helper is not eligible for engagement as Anganwadi Worker, the vacancy shall be advertised and filled up as per the procedure laid down for general selection.

13) From the above it is clear that, in order to be eligible for being considered for promotion to the post of Anganwadi Worker, an Anganwadi Helper should possess a minimum qualification of matriculation and experience of not less than ten years at the time of accrual of the vacancy. Admittedly, the petitioner, at the time of accrual of the vacancy, was not in possession of ten years' experience as Anganwadi Helper. This position has been admitted by the petitioner herself in para (7) of the writ petition, wherein it has been stated that

when Smt. Sunita Kumari was promoted as Supervisor, which resulted in accrual of the vacancy of Anganwadi Worker in Anganwadi Centre Astan Mohalla Seer-B. This aspect of the matter is further clarified when we calculate the period from the date of initial appointment of the petitioner as Anganwadi Helper in terms of order dated 08.02.2006 up to 28.02.2014, when Smt. Sunita Kumari was promoted as Supervisor. In fact, total experience at the back of the petitioner as on 28.02.2014 was only eight years and it was less by two years.

14) This Court has, while deciding SWP No.2834/2015 vide judgment dated 24.10.2017, clearly recorded a finding that the petitioner did not possess the requisite experience of ten years and, as such, was not eligible for promotion to the post of Anganwadi Worker. It was further observed that the official respondents were obliged to take recourse to the process of filling up the post of Anganwadi Worker in accordance with the procedure by inviting applications. The Court after recording the aforesaid findings, directed the official respondents to finalize the process of selection in accordance with the norms governing the field. Merely because the official respondents could not find sufficient number of eligible candidates after issuing the Advertisement Notice pursuant to the directions dated

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24.10.2017, the same does not alter the situation so far as eligibility of the petitioner for promotion to the post of Anganwadi Worker is concerned.

15) As already stated, the eligibility of the petitioner for promotion to the post of Anganwadi Worker has to be reckoned as on the date of accrual of the vacancy, which, in the instant case, is 28.02.2014. Therefore, the petitioner is not eligible for promotion to the post of Anganwadi Worker and the official respondents are bound to fill up the said post by inviting applications from the open market in accordance with the prescribed norms, even if they have to issue advertisement notices repeatedly until the post is filled up from the open market.

16) So far as the contention of the petitioner that the official respondents while issuing the impugned order of cancellation of her promotion have not adhered to the principles of natural justice, in this context, it is to be noted that the petitioner herself has, in her writ petition, admitted that the Enquiry Officer had sought a response from her which was submitted by her in terms of application dated 20.06.2020. Therefore, the official respondents have clearly adhered to the principles of natural justice before issuing the impugned order of cancellation of her promotion. The fact

that the petitioner has been allowed to submit her response/representation before taking any action against her, satisfies not only the principles of natural justice but it also satisfies the requirements of order dated 25.11.2019 passed in WP(C) No.3407/2019. Therefore, it cannot be stated that the official respondents, while passing the impugned order, have either violated the principles of natural justice or the directions passed by this Court in WP(C) No.3407/2019.

17) For what has been discussed hereinbefore, it is clear that even as per the petitioner's own case, she was not eligible for promotion at the time when the vacancy of Anganwadi Worker at Anganwadi Centre Astan Mohalla Seer-B had accrued. Therefore, there is no ground to interfere in the impugned order passed by the official respondents whereby promotion order of the petitioner has been cancelled. The petition lacks merit and is dismissed accordingly. Interim direction dated 03.11.2023 shall stand vacated with immediate effect.

(Sanjay Dhar)
Judge

SRINAGAR

24.07.2026

"Bhat Altaf-Secretary"

Whether the **judgment** is reportable: **YES/NO**