

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
WP(C) 3269/2019
C/W
WP(C) 2115/2019**

SHUGUFTA AKTHAR

...Appellant(s)/Petitioners(s)

Through: Mr. M. Rafiq Bhat, Advocate in WP(C) 3269/2019
None in WP(C) 2115/2019

Vs.

STATE OF J AND K AND ORS. ICDS

...Respondent(s)

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

CORAM:

HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE.

ORDER

01.09.2026

WP(C) 3269/2019:

1. Uncontroverted facts of the case are that seventeen (17) Anganwadi Centers for ICDS Project Breng, Anantnag, came to be sanctioned by the Government, and vide communication No. CDPO/Breng/14/158-159 dated 20.10.2014, an advertisement in this respect came to be issued. Due to poor response, selection could not be carried forward. In the year 2017, the State Mission Director ICDS J&K vide his communication dated 06.09.2017 directed re-advertisement of the vacant posts and in pursuance thereto, advertisement notice dated 07.09.2017 came to be issued inviting applications for the post of Anganwadi Helpers and Workers for the Anganwadi Centre Naropora Ahsan Mir Mohalla. The petitioner applied for the post of Anganwadi Worker for the said Anganwadi Center. Tentative selection list came to be issued in Daily Kashmir Uzma on 06.03.2019 and Ms. Saima Maqbool, (writ petitioner in the connected

WP(C) No. 2115/ 2019) was shown tentatively selected as Anganwadi Worker for Anganwadi Center Naropora Ahsan Mir Mohalla, subject, however, to the objections, if any, from the fellow candidates. The petitioner, Shugufta Akthar objected to the tentative selection of Saima Maqbool on the predominant premise that she was not a resident of the area, for which advertisement notice was issued. When enquired on the basis of field staff, Numberdar, Sarpanch and Chairman Auqaf Committee, it surfaced that Ms. Saima Maqbool was actually not a resident of the area for which advertisement notice had been issued. Consequently, Ms. Saima Maqbool was asked to produce the requisite documents of belonging to the hamlet, which she failed. As a result, matter was taken up with the Chairman Selection Committee (District Programme Officer, ICDS Project, Anantnag), intimating that since Ms. Saima Maqbool has failed to produce relevant document regarding her residence, necessary approval be accorded in favour of the next eligible candidate- the petitioner. Accordingly, approval came to be accorded in favour of the petitioner by the Chairman Selection Committee and engagement order dated 24.05.2019 came to be issued in her favour as Anganwadi Worker for the Anganwadi Center Naropora Ahsan Mir Mohalla.

2. It is also an admitted position of fact, borne from the pleadings that petitioner pursuant to the aforesaid engagement joined as Anganwadi Worker in the said Anganwadi Center.
3. The petitioner has invoked writ jurisdiction of this Court for the following reliefs:

1) By a writ of Mandamus, or any other order or direction, the respondents be directed to allow the petitioner to continue as Anganwadi worker in Anganwadi Center Naropora, Ahsan

Mir Mohalla against which she has already joined and is working in terms of order bearing No. CDPO/Breng/19/134-37 dated 24.05.2019, she is also entitled for all service benefits including honorarium, seniority etc.

II) The respondents be directed not to cause any interference in her continuation/daily work.

III) Any other writ, order or direction which this Hon'ble court may deem fit in the facts and circumstances of the case be also passed.

4. Respondents have admitted the claim of the petitioner that she came to be engaged and was not only allowed to join but she is presently working as Anganwadi Worker for Anganwadi Center Naropora Ahsan Mir Mohalla. It is categorical stand of the respondents that Ms. Saima Maqbool, who filed WP(C) 2115/2019 for the issuance of appointment order in her favour was not entitled to be engaged as Anganwadi Worker, as she failed to produce the relevant documents and petitioner, who joined immediately after she came to be engaged is continuously working on the said post.
5. Having regard to the aforesaid admitted position emerging from the record, present petition is allowed and respondents are directed to allow the petitioner to continue as Anganwadi Worker in Anganwadi Center Naropora, Ahsan Mir Mohalla, against which she has already joined and is working. She is also held entitled to all the service benefits, including honorarium and seniority.
6. Disposed of, along with connected CMs.

WP(C) 2115/2019:

7. Petitioner is continuously absent today on 2nd consecutive date of hearing, which indicates that, she has lost interest in the further prosecution of the case.

8. Hence, present petition is dismissed for non-prosecution, along with connected CMs.
9. Interim direction, if any, shall stand vacated.
10. Registry is directed to place a copy of this order on the record of each file.

(RAJESH SEKHRI)
JUDGE

Srinagar:
01.09.2026
Adil Ismail

