HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

(Through Video Conferencing)

Reserved On: 16.12.2020.
Pronounced On: 18 .12.2020.

OWP No. 1587/2014
IA No. 2139/2014

Sunita Devi

Petitioner (s)

Through: -

Mr. Anil Verma, Advocate

V/s

State of J&K through Social Welfare Department and Others.

…..Respondent(s)

Through: -

Mr. Vishal Bharti, Dy.AG.

CORAM:

Hon'ble Mr. Justice Javed Iqbal Wani, Judge.

ORDER

1. Pursuant to an advertisement notice dated 14.02.2009 issued by respondent No. 4, petitioner in the petition states to have applied for engagement as Anganwadi Helper on honorarium basis. Petitioner states to have been selected as Anganwadi Helper pursuant to order No. CDPO/RJR/491-494/2012 dated 31.01.2012 in Anganwadi Centre Saranoo Jaba, Ward No. 07, Panchayat Saranoo in ICDS Project Rajouri. Petitioner states to have joined as Anganwadi Helper pursuant to order dated 31.01.2012 on 01.02.2012. According to the petitioner in terms of communication dated 17.03.2005 issued by the Jammu and Kashmir Social Welfare Department, the mode and method of establishment and operation of Anganwadi Centre from a rent free accommodation is prescribed. According to the petitioner upon her selection and appointment, Anganwadi Centre came to be

established in her residential house upon verification conducted by the concerned officers of the Social Welfare Department. According to the petitioner while the Centre was being run smoothly in the house of the petitioner and petitioner has been working sincerely and honestly as Anganwadi Helper an under hand exercises came to be undertaken by some vested interest persons for shifting of Anganwadi Centre in question whereupon the respondent No. 6 after conducting an inquiry held that in no case the Anganwadi Centre be shifted from Ward No. 07, Saranoo Jaba i.e. from the house of the petitioner.

2. To sum up, the short grievance projected by the petitioner is that the Anganwadi Centre being run and operated in the house of the petitioner and working of the petitioner as Anganwadi Helper is being sought to be shifted at the behest of some vested interest persons before the official respondents without any lawful justification and in violation and breach of provisions of the scheme.

3. Respondents in their objections filed in opposition to the writ petition, however, deny and dispute the aforesaid contention of the petitioner raised in the writ petition in the very first Para of the objections which is reproduced and reads as under:-

> "a. That the petitioner is working in AWC Saranoo Jaba Panchyat Halqa Saranoo Bridge Ward No:7 as helper in Anganwadi centre and the Anganwadi Centre is functioning in the house of the petitioner. It is submitted that as per Government Order the answering respondents are not intending to shift the Anganwadi Centre from Ward No:7 which is presently located in the house of the petitioner and at no point of time it is directed to shift the Anganwadi Centre from the house of the petitioner and

would remain in the house of the petitioner as the petitioner is performing her duties to the best of her ability and there is no complaint regarding the functioning of AWC till date as such there is no cause to shift the AWC from the house of the petitioner."

4. In view of the categoric, explicit and specific stand taken by the respondents supra, the grievance projected by the petitioner does survive and consequently no issue remains to be adjudicated upon in the instant petition, as such, same shall stand **disposed of**. Disposed of, accordingly, along with connected CM.

(Javed Iqbal Wani)
Judge

Jammu
18/12/2020
"Ishaq"

i. *Whether the Order is speaking?* *Yes/No.*
ii. *Whether the Order is reportable?* *Yes/ No.*

HIGH COURT JAMMU & KASHMIR

ISAQ HAMEED BHAT
2020.12.18 16:39
I attest to the accuracy and
integrity of this document