

05.01.2023  
Sl. No.88(ML)  
srm

**CAN 1 of 2022 (Old No.CAN 5032 of 2019)**

**With**

**W.P.A. No. 624 of 2018**

**Smt. Ismatara Bibi**

**Versus**

**The State of West Bengal & Ors.**

Md. Sarwar Jahan,  
Mr. Omar Faruk Gazi

...for the Petitioner.

Mr. Sudipto Panda,  
Ms. Mummun Tewary

...for the State-respondents.

**Re : CAN 1 of 2019 (Old No.CAN 5032 of 2019)**

Affidavit-of-service is taken on record.

This is an application for restoration of the writ petition being WPA No.624 of 2018, by recalling the order dated February 20, 2019 by which the writ petition being WPA No.624 of 2018 had been dismissed for default.

Having perused the grounds stated in paragraphs 5 to 7 of this application, this Court is satisfied that the petitioner was prevented by sufficient cause from attending the Court when the writ petition had been dismissed for default.

Let the order dated February 20, 2019 be recalled.

The writ petition being WPA No.624 of 2018 is restored to its original file and number.

The application being CAN 1 of 2019 (Old No.CAN 5032 of 2019) is allowed and disposed of accordingly.

**Re: WPA No.624 of 2018**

The petitioner prays for a mandamus upon the respondents to allow her to join and continue as an Anganwadi worker at Centre No.198 within Barasat-I, ICDS Project, North 24-Parganas.

Relying on certain documents, the petitioner submits that the petitioner was not allowed to enter the premises of the Anganwadi centre although the Chief Development Project Officer permitted the petitioner to join the Anganwadi Centre No.198 within the said Block. A complaint was lodged before the police authorities as she was not permitted to join the concerned centre despite various attempts.

The petitioner moved this Court by filing the writ petition with a prayer for being allowed to continue as an Anganwadi worker in terms of the Memorandum No.189/BST-I/ICDS dated February 5, 2016 issued by the Child Development Project Officer, Barasat-I, ICDS Project.

The writ petition is disposed of without going into the merits of the claim of the petitioner, with a direction upon the

Child Development Project Officer, Barasat-I, ICDS Project to treat the writ petition as the representation of the petitioner and dispose of the same in accordance with law. The decision shall be restricted to the request of the petitioner to be allowed to join the said Anganwadi ICDS Centre. The prayer for honorarium for the period the petitioner had not worked, cannot be allowed by the Court. Such decision shall be taken independently on the basis of the factual matrix as also on the rules applicable. An opportunity of hearing shall be given to the petitioner. A reasoned order shall be passed.

The decision shall be communicated to the petitioner, within a period of eight weeks from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the Chief Development Project Officer, Barasat-I, ICDS Project, North 24-Parganas.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**