

07. 13.09.2023  
bd. Ct.15

WPA 4400 of 2016

Rinki Ganguli & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Prahlad Chandra Ghosh

Mr. Subir Hazra

Mr. Kakali Samajpati ... For the petitioners.

Mr. Indranil Roy

Mr. Tapas Kumar Mondal ... for the State

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioners and the State respondents. An affidavit has been affirmed by the Child Development Project Officer, Gangarampur, ICDS Project, Dakshin Dinajpur, on 8<sup>th</sup> September, 2023 which is filed today and taken on record.

From perusal of the affidavit it appears that petitioners being Anganwari Helpers were empanelled for being promoted to the posts of Anganwari Workers on the basis of examination held on 22<sup>nd</sup> May, 2012 and they were selected to be promoted. It is also admitted in paragraph 3 of the affidavit that on preparation of panel the same was approved by the Project Level Selection Committee on 13<sup>th</sup> September, 2012.

However, after hearing the learned advocates representing the parties and in consideration of the previous order passed by a coordinate Bench it appears that there is necessity to revalidate the

panel since petitioners were not promoted to the posts of Anganwari Workers contemporaneously after preparation of the panel and approval of same on 13<sup>th</sup> September, 2012.

However, this affidavit is devoid of reasons as to why in spite of preparation of panel and approval of same by the concerned authority the petitioners could not be promoted.

In paragraph 7 of the affidavit the concerned Child Development Project Officer, Gangarampur, Dakshin Dinajpur, has averred that he has no objection in the event petitioners are appointed in the posts of Anganwari Workers. But what is striking is requirement of revalidation of the panel by the Joint Secretary, Government of West Bengal, Department of Women and Child Development and Social Welfare prior to giving effect to the panel which was approved on 13<sup>th</sup> September, 2012. The affidavit is also silent on the point whether revalidation of the panel is impermissible or not. Nothing has been spelt out in the affidavit that such revalidation cannot be allowed and the same has been sought for by the district authorities in order to give effect to the said panel dated 13<sup>th</sup> September, 2012.

In view of the aforesaid situation, as it appears on perusal of the affidavit affirmed by the concerned Child Development Project Officer, Gangarampur, the Joint Secretary, Government of West Bengal, Department of Women and Child Development and Social Welfare is directed to

revalidate the panel within a period of fortnight from the date of communication of this order and communicate the same to the Child Development Project Officer, Gangarampur, ICDS Project, Dakshin Dinajpur, within one week thereafter. On receipt of order relating to revalidation by the aforesaid Child Development Project Officer, Gangarampur, necessary steps shall be taken to appoint the petitioners in the posts of Anganwari Worker within fortnight thereafter.

With the aforesaid directions the writ petition stands disposed of.

However, there shall be no order as to costs.

Leave is granted to the learned advocate representing the petitioners to amend the cause title of this writ petition and add Joint Secretary, Government of West Bengal, Department of Women and Child Development and Social Welfare as additional respondent in course of this day.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**