

W.P.A. 29451 of 2015

**Anima Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Shyamal Das
Mr. Krishna Deo Das
Mr. Asok Kumar Janah
...for the petitioner

Mr. Pinaki Dhole
Mr. Ritesh Ganguli
...for the State

Petitioner was selected for appointment in the post of Anganwadi worker vide memo dated 4th December, 2006 issued by Child Development Project Officer (for short 'I.C.D.S.'), Gosaba I.C.D.S. Project, South 24 Parganas but subsequently it was found that petitioner was having higher qualification of madhyamik passed therefore in terms of the extant eligibility criteria she was found not eligible to be appointed as Anganwadi worker. Therefore, engagement of the petitioner as Anganwadi worker was discontinued which triggered this writ petition. The grievance of the petitioner is subsequently the eligibility criteria for engagement as Anganwadi worker was altered vide memo dated 4th January, 2013 and the candidate having higher qualification of madhyamik passed was also found to be suitable for being engaged as Anganwadi worker. Placing reliance on this memorandum dated 4th January, 2013 as referred to

the representation of the petitioner dated 14th October, 2015 it has been contended that discontinuation of the petitioner as Anganwadi worker was impermissible in view of subsequent issuance of memorandum dated 4th January, 2013.

The State-respondents are represented by learned advocate who has filed report in the form of affidavit affirmed on 21st August, 2023 enclosing documents at page 11 wherefrom it transpires that the petitioner submitted one resignation letter in the year 2007. It has been contended upon placing reliance on the said resignation letter that the entire issue has become academic in view of submission of resignation letter by the petitioner in the year 2007.

Petitioner has been given opportunity to file an exception to this report enclosing resignation letter and the same has been filed today which is taken on record. It has been contended on behalf of the petitioner that the signature which is appearing at page 11 of the report filed by the State-respondents is her but the contents of the letter are written by someone else. Therefore, according to the petitioner such documents may not be given credence.

Having considered the submissions made on behalf of the petitioner and case made out in the writ petition query has been posed to the learned advocate representing the petitioner whether the memo dated 4th

January, 2013 whereby eligibility criteria for engagement as Anganwadi worker was altered as retrospective effect which could govern the appointment of the petitioner which was made vide memo dated 4th December, 2006. It has been answered on behalf of the petitioner that the said memo dated 4th January, 2013 may not have retrospective effect but petitioner is eligible to get benefit of the said memo. This Court fails to understand as to how the eligibility criteria which was prevalent under the extant Rules 2006 can be impacted on the strength of memorandum which was issued after 7 years on 4th January, 2013 unless and until it has retrospective effect. Therefore, based on this memorandum dated 4th January, 2013 the relief has claimed by the petitioner cannot be extended.

Another aspect needs to be taken into consideration that petitioner by putting signature in the year 2007 submitted resignation letter though the feeble attempt has been made on the part of the petitioner to dispute such resignation letter which appears to this Court not tenable. Moreover, there is suppression of this fact in the writ petition where no averments is made that petitioner submitted resignation in the year 2007 by putting signature or submitted resignation letter in the year 2007. In view of said documents at page 11 report filed on behalf of the State-respondents it appears that

petitioner has not approached this Court with clean hands.

Accordingly, this Court does not find any merit in the writ petition same stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)