

S/L 118  
21.05.2024  
Court. No. 13  
ap

**WPA 13460 of 2024**

**Baisakhi Mistri & Ors.  
Vs.  
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury  
Mr. Rajib Ghosh  
Mr. Babhru Bahan Bera  
Mr. Avisek Chatterjee

... For the Petitioners.

Mr. Sirsanya Bandopadhyay,  
Mr. Ritesh Kumar Ganguly.

... For the State.

1. Affidavit of service filed in Court today is taken on record.

2. The writ petitioners are aggrieved by the fact that the order dated 19th September, 2023 passed by a Coordinate Bench of this Court in WPA 22212 of 2022 (Papiya Ghosal (Maity) & Ors. Vs. State of West Bengal & Ors.) has not been followed by the PSC and the respondent Nos.2 and 3. The substance of the directions contained in the aforesaid order dated 19th September, 2023 is that the vacancy in the posts of Supervisor in the ICDS Projects in the State are required to be filled up 50% by way of promotion from the post of Anganwadi Workers and 50% by direct recruitment.

3. The petitioners rely upon a panel dated 12th April, 2024 annexed in the writ petition as Annexure P-11 wherein that only 409 vacancies are proposed to be filled up by the respondent Nos.2 to 4 by way of promotion of Anganwadi Workers. A list of 1152 candidates dated 3rd March, 2023 is

also relied upon to indicate the number of successful candidates amongst the promotees from the post of Anganwadi Workers.

4. This according to the petitioners is in direct violation of the order dated 19<sup>th</sup> September, 2023. Admittedly, as recorded in the order, there are 3458 vacant posts of Supervisor across the State. This would mean that 1729 posts (50% of 3458) must be filled up with the promotees from the post of Anganwadi Workers.

5. Mr. Sirsanya Bandopadhyay, learned counsel appearing for the respondent No.2 submits that there are two appeals being MAT 493 of 2024 and MAT No. 509 of 2024 filed against the order dated 19th September, 2023. In the said appeals the Division Bench has asked the State to file affidavits indicating the number of vacancies, which arose prior to 15th September, 2015 in the post of Supervisor and the vacancies that arose thereafter.

6. It is further submitted that the list of appointments recommended by direct recruitment indicates that the same is subject to the result of the Court proceedings.

7. Admittedly there is no stay of the order dated 19th September, 2023.

8. In these circumstances, this Court directs the respondent Nos. 2 and 3 to fill up not more than 1729 posts by direct recruitment, until disposal of the instant writ petition. Needless to mention that this direction is subject to any order that may be passed by the Division Bench in the aforesaid two appeals. The respondent Nos.2 and 3 may issue appointments in 1729 posts at promotees to the post of

Supervisor from Anganwadi Workers. This would again be subject to the result of the two appeals mentioned hereinabove.

9. Let affidavit-in-opposition be filed within a period of six weeks from date. Reply, if any, be filed within a period of two weeks thereafter.

10. Liberty to mention.

**(Rajasekhar Mantha, J.)**