

14.08.2024
Ct. 23
M/L 60
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 14156 of 2024

Sima Ghosh & Ors.

-Vs-

The State of West Bengal & Ors.

Ms. Shireen Hossain

... for the petitioners

Mr. Shamim Ul Bari,
Mr. Kaushik Banerjee

... for the State

The petitioners say that they have joined as “Anganwadi Helper (Sahayika)” under Integrated Child Development Scheme (in short, ICDS) in Ratua-I, ICDS Project under Chanchal Sub-Division, Malda in the year 2015 and have been working thereat since then. The petitioners say that as per policy framed by the State, the petitioners are entitled to be considered for promotion to the post of Anganwadi Supervisor. As per the prevailing scheme, the vacancy in the post of Anganwadi Supervisor is required to be filled in through 50% by promotion and 50% by direct recruit. The petitioners say that in case of Anganwadi Supervisor, the minimum qualification has been fixed as Madhyamik passed or Class X standard passed. At the time when the petitioners joined as Anganwadi

Sahayika, their qualifications were Class VIII passed and as such, in the light of the new educational criteria fixed for Anganwadi Supervisor, the petitioners will never be considered for the promotion on the ground of not having requisite qualification. The petitioners say that the qualification fixed for the direct recruit cannot be the same for promotees, as the promotees are being considered from the feeder post on having successfully worked for a particular tenure.

Although, there is a view that Anganwadi Supervisor under the ICDS Project is a civil post under the State and as such, in view of the provisions of Section 15(1)(a) read with Section 28 of the Administrative Tribunals Act, 1985, the grievance relating to recruitment and service matters of Anganwadi Supervisor has to be ventilated before the appropriate Tribunal, yet considering the facts and circumstances of the case without going into such jurisdictional issue, the matter is taken up.

On behalf of the State, it is submitted that by a Memorandum dated 19th January, 2024 bearing No. 452-SW/WCD-14109/15/2023, it has been clarified that those Anganwadi Sahayika being engaged prior to 1st August, 2022 will be considered for the promotion on the basis of the qualification they had while joining as Anganwadi Sahayika. The qualification set for the direct recruit, i.e. Madhyamik passed shall not be a bar

in the case of the petitioners for being considered for the promotion, in the light of the said Memorandum dated 19th January, 2024. The said Memorandum is placed before the Court and the same is taken on record.

Nothing remains to be adjudicated in this writ petition as the grievances of the petitioners have been duly addressed by the aforesaid Memorandum dated 19th January, 2024. The writ petition is, accordingly, disposed of without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)