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W.P.A. 30281 of 2016

Anindita Debnath & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Lal Ratan Mondal,
Mr. Dilip Kumar Sadhu,
Mr. Avik Kumar Das

....for the petitioners.

Mr. Amal Kumar Sen,
Ms. Ashima Das

....for the State.

In the writ petition the order dated 8th November, 2016 passed by the Child Development Project Officer, Kharagpur-I ICDS Project is under challenge. By the said order dated 8th November, 2016 Child Development Project Officer, Kharagpur-I ICDS Project being the respondent no.5 rejected the contention of the petitioners for being appointed as Anganwadi Workers/Anganwadi Helpers.

The learned advocate representing the petitioners submits that such decision is taken pursuant to the order dated 24th August, 2016 passed in the writ petition being WPA 19956 of 2014 (Smt Anindita Debnath & Ors.-vs- The State of West Bengal & Ors.). According to the petitioners they applied for being engaged as Anganwadi Workers/Anganwadi Helpers based on recruitment

notification dated 30th October, 2009.

According to the said notification the respondent no.5 was required to take steps for preparation of panel against 220 number of additional Anganwadi Centres but after initiation of selection process 120 additional Anganwadi Centres were withdrawn. Therefore selection was made against 100 additional Anganwadi Centres resulting in substantial reduction in number of vacancies of Anganwadi Workers/Anganwadi Helpers which is impermissible after initiation of selection process. Therefore, it has been contended on behalf of the petitioners that the entire selection process is required to be cancelled and fresh selection process needs to be initiated for filling up the vacancies of Anganwadi Workers/Anganwadi Helpers under respondent no.5 which would give fresh opportunity to the petitioners to participate in the selection process for consideration of their candidature.

The learned advocate representing the State respondents has opposed the prayer of the petitioners and made submissions to defend the decision taken by the respondent no.5 as contained in the impugned order dated 8th November, 2016.

In addition thereto, attention of this Court

has been drawn to recruitment notification dated 30th October, 2009 issued by the respondent no.5 wherein it has specifically been provided that the engagement is completely honorary, voluntary, temporary and engagement can be cancelled at any point of time. It is also provided in the recruitment notice that number of vacancies may decrease or increase during the course of selection process.

Having considered the submissions made on behalf of the parties and on perusal of the relevant materials available on record, it appears that the engagement, which was proposed to be made vide recruitment notification dated 30th October, 2009, is completely honorary and such engagement is to be made on temporary basis which can be cancelled at any point of time.

It is also provided in the recruitment notification that number of vacancies may decrease or increase as per requirement of the authorities. It is true as it has been contended on behalf of the petitioners that initially recruitment process was initiated against 220 additional Anganwari Centres but in the midst of the selection process 120 additional Anganwadi Centres were withdrawn; therefore selection was ultimately made against 100 additional Anganwadi Centres which resulted

in substantial reduction in number of vacancies of Anganwadi Workers/Anganwadi Helpers.

It is contended on behalf of the petitioners that if the selection process would have been made against 220 additional Anganwadi Centres then perhaps petitioners would come within the zone of consideration but since 120 additional Anganwadi Centres have been withdrawn by the concerned respondent authorities they were excluded from the zone of consideration. Since it is not the case of the petitioners that in connection with 120 additional Anganwadi Centres which were subsequently withdrawn by the concerned respondent authorities separate selection process was initiated by the respondent authorities then question would have been otherwise but in the present case ultimately selection made against 100 additional Anganwadi Centres.

While finalizing the selection process candidature of the petitioners were considered but it was found that the marks allotted to the petitioners were lower than the marks allotted to the last selected candidates.

In view of aforesaid discussion, this Court finds no merit in this writ petition and accordingly, the writ petition stand dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)