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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7716 OF 2023

Anganwadi Karmachari Sanghatana & Ors. ... Petitioners
V/s.
The State of Maharashtra and Ors. ... Respondents

***with
INTERIM APPLICATION NO. 12000 OF 2024***

The Commissioner Integrated Child
Development Services Scheme Maharashtra ... Applicant
V/s.
State of Maharashtra, Anganwadi Karmachari
Sanghatana through its Authorized Representative ... Respondent

Ms. Gayatri Singh, Senior Advocate with Ms. Hamza Lakdawala i/b.
Ms. Meenaz Kakalia for the Petitioner
Mr. Rui Rodrigues with Mr. Ashutosh Mishra for the Respondent
No.2 (UOI)
Mr. K.S. Thorat, 'B' Panel Counsel for Resolution No.1 – State and
for The Applicant in IA

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 03 SEPTEMBER 2024

P.C. :-

Heard the learned Counsel for the parties.

2. This Writ Petition is filed by the five Associations representing Anganwadi Sevika, Mini Anganwadi Sevika, and Anganwadi Helpers. They have filed this Petition for the following prayers :-

“(a) Issue a writ of certiorari or any other appropriate writ, order, or direction in the nature of certiorari quashing and setting aside Clauses 1(a), (b), (c), (d) and 2(a) of Government Resolution No. E Ba Vi 2022/Pra.Kra.94/Ka.6 dated 02/02/2023 insofar that it imposes an enhanced minimum educational qualification of 12th Grade with respect to the appointment of Anganwadi Workers, Anganwadi Helpers and Mini Anganwadi Workers.

(b) Issue a writ of certiorari or any other appropriate writ, order, or direction in the nature of certiorari quashing and setting aside clause 2(d) of Government Resolution No. E Ba Vi 2022/Pra.Kra.94/Ka.6 dated 02/02/2023 insofar that it imposes a two child policy with respect to the appointment of Anganwadi Workers, Anganwadi Helpers and Mini Anganwadi Workers.

(c) Issue a writ of mandamus, or any other order, or direction in the nature of mandamus directing the Respondent No.3 to fill vacant posts predating the impugned GR in accordance with the G.R.’s dated 13/08/2014, 08/10/2018, 17/01/2020 and 09/01/2023/

(d) Issue a writ of mandamus, or any other order or direction in the nature of mandamus directing the Respondent No.3 to retain Mini Anganwadi Workers as Anganwadi Workers where the Mini Anganwadi Centres are converted to Anganwadi Centres.

(e) Issue a writ of mandamus, or any other order or direction in the nature of mandamus restraining the Respondents from filling up vacant posts or Mini-Anganwadi Workers, Anganwadi Workers, and Anganwadi Helpers in accordance with Clause 1(a), (b), (c), (d) and 2(a) of Government Resolution No. E Ba Vi 2022/Pra.Kra. 94/Ka.6 dated 02/02/2023.”

3. In this Writ Petition an ad-interim order came to be passed on 24 March 2023 which has been modified thereafter. An interim application is filed by the State bearing Interim Application (St.) No. 18942 of 2024 for vacating/modifying the interim order on the ground that the State has now issued a Government Resolution dated 27 February 2024. The relevant averments are as under :-

“4. The Petition appeared before the Hon’ble Court on 26.04.2023 and a clarification to the order dated 24.03.2023 was sought by the State Government. The Hon’ble Court allowed the Respondent No.3 to proceed with direct recruitment of Anganwadi Helpers but restricted to filling the posts by promotion of Anganwadi Helper to Anganwadi Worker till further orders.

5. The State Government has communicated the above directions to the Ministry of Women and Child Development, Government of India on 16.06.2023 and sought necessary clarification. Upon which, the Government of India vide its letter dated 20.12.2023 issued clarification with respect to promotion of Anganwadi Helpers to the post of Anganwadi Workers and allowed the Anganwadi Helpers recruited prior to the issuance of Saksham Anganwadi and Poshan 2.0 Guidelines to remain eligible for promotion as per

provisions applicable at the relevant time.

6. According, the Respondent No.1 State has issued Government Resolution dated 27.02.2024 whereby the grievance raised in the Petition were redressed. The State has clarified that the Anganwadi Helpers recruited prior to 01.08.2022 will be governed as per criteria laid down in the G.R.'s issued earlier to 02.02.2023 (i.e. impugned G.R. prescribing 12th pass as eligibility criteria). Also, the two-child policy is clarified.

7. The issuance of the G.R. dated 27.02.2024 has worked out the Petition and nothing remains to be addressed. Due to the directions issued by this Hon'ble Court vide orders dated 24.03.2023 and 26.04.2023, the recruitment process is affected as the promotional posts cannot be filled. As a result, direct recruitment of Anganwadi Workers is also stopped as the promotional posts are not filled to determine the balance of vacancies."

4. The learned Senior Advocate for the Petitioners on instructions submit, that in view of this stand taken by the State, the grievance of the Anganwadi Sevika and Helpers in part stands redressed. As far as those who are falling within the ambit of the cut-off date, the learned Senior Advocate for the Petitioners on instructions states that the Petitioners would withdraw the said Writ Petition and a decision would be taken whether to raise a challenge to the cut-off date separately.

5. In the light of the position made clear by the Petitioners nothing survives in this Petition.

6. Needless to state that for those class of Anganwadi Sevika, Mini Anganwadi Sevika, Anganwadi Helpers, not benefited from this Government Resolutions, their challenge is kept open.

7. The Writ Petition and the Interim Application are disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.