

29.01.2025

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**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 2104 of 2024**

**Piyali Banerjee & Ors.**

**-Vs-**

**The State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee,  
Ms. Sudipa Biswas

... for the petitioners

Mr. Tapan Kumar Mukherjee,  
Ms. Sangeeta Roy

... for the State

The petitioners had participated in a recruitment process for selection of 'Aganwadi Workers' through direct recruitment process in terms of the employment Notification dated 4<sup>th</sup> December, 2017. The petitioners say that in respect of Patrasayer Block in Bankura, total seven vacancies were declared out of which four were Unreserved (General) (in short, UR(GEN)), one for Scheduled Caste, one for Scheduled Tribe and one for Physically Handicapped Category. A panel was published on 12<sup>th</sup> October, 2018 by the Child Development Project Officer, Patrasayer, I.C.D.S. Project, Patrasayer, Bankura, the respondent no. 11 wherein the petitioners were placed in the waiting list. From the said panel, it appears that the petitioner no. 1 was placed in the 4<sup>th</sup> position under the General

Category while the petitioner nos. 2 and 3 were in the 2<sup>nd</sup> and 3<sup>rd</sup> position as waitlisted candidates. The petitioners say that instead of filling up the vacancies from out of the selected and waiting list candidates, the State respondents have tried to fill up the vacancies through candidates, who did not even participate in the selection process. In this connection, the petitioner referred to a letter issued by Mrityunjay Murmu, a Member of the West Bengal Legislative Assembly dated 24<sup>th</sup> November, 2023, which is addressed to the Minister in charge, Women & Child Development & Social Welfare Department for giving appointment to 14 candidates whose names are given in the said letter. The petitioners also say that pursuant to such letter, the concerned authority under ICDS Project has been asked to verify the candidature of the said 14 persons named in the letter dated 24<sup>th</sup> November, 2023. The petitioners, therefore, allege that the State has resorted to a non-transparent and unfair selection procedure by which the selected candidates are deprived of being given appointment and the candidates, who did not even participate in the selection process are sought to be engaged.

On behalf of State, it is submitted that in terms of the policy decision of the Government taken in 2006, 5% of the total vacancies available for engagement of Anganwadi Workers is reserved for 'home quota'. This

home quota is not included in the vacancies declared under the Employment Notification dated 4<sup>th</sup> December, 2017. It is not in dispute that the Government can frame policy to reserve certain seats to rehabilitate the inmates of the various Correctional Homes in the State wherein victims are given shelter by engaging them as Aganwadi Workers under the ICDS Scheme. However, it appears that a confusion is created because the Employment Notification dated 4<sup>th</sup> December, 2017 does not mention at any place that the vacancies declared for direct recruitment do not include the home quota. In any event, from the letter of the District Project Officer (ISDS), Bankua dated 13<sup>th</sup> June, 2024, which is already on record, it is apparent that the three candidates, whose names figured in the letter dated 24<sup>th</sup> November, 2023 were not given appointment after due verification as instructed by the Memorandum No. 5877-SW dated 10<sup>th</sup> October, 2023, since the said three candidates respectively being the respondent nos. 25, 26 and 27 were overaged.

Since none of the candidates mentioned in the letter dated 24<sup>th</sup> November, 2023 have been given appointment as yet, the petitioners cannot have any grievance that bypassing the panel wherein they are in the waiting list, appointments are given to candidates who did not even participate in the selection process.

The alleged complaint made by the petitioners is, therefore, unfounded.

The writ petition being WPA 2104 of 2024 is disposed of on that ground.

However, the writ petitioners will be entitled to ventilate their grievances, if any of the seven vacancies declared in the Employment Notification dated 4<sup>th</sup> December, 2017, are still vacant and appointment is sought to be made without considering their position in the panel, if the panel remains in subsistence as per the provisions of law.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

**(Arindam Mukherjee, J.)**