

Form J(2)
Sl.No.7& 8
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 9187 OF 2024

Anita Mahato & Anr.

.... Petitioners

VS.

The State of West Bengal & Ors.

....Respondents

WITH

WPA 9188 OF 2024

Khukumani Mahato & Ors.

.... Petitioners

VS.

The State of West Bengal & Ors.

....Respondents

*For the Petitioners
in both writ petitions:*

Mr. Subhadip Pramanik
Mr. Amit Ranjan Pati
Mr. Sunayan Ghosh
Mr. Avijit Chatterjee
Ms. Swastika Chowdhury.

....Advocates

*For the Respondents/ State
in both writ petitions:*

Mr. Tulsi Das Roy
Ms. Sabnam De Bardhan, Jr. Govt. Adv
Mr. Bipin Ghosh.

.....Advocates

Heard on : October 27, 2025

Judgment on : October 27, 2025

Aniruddha Roy, J. :

1. Five individual writ petitioners collectively in these two writ petitions applied for engagement as Anganwari Workers and Anganwari Helpers in an Integrated Child Development Services (ICDS Scheme) in the Government/Home Quota. Similarly placed candidates with the identical grievance for not receiving the appointments have filed a previous writ petition being **WPA 3566 of 2022**. By a judgment dated **January 31, 2023** the writ petition was allowed, **Annexure-P6 at page 56** to **WPA 9188 of 2024**. No appeal was carried out by the State from the said judgment. The record in these two writ petitions/the reports filed by the State shows those petitioners have already been engaged pursuant to the direction of the coordinate Bench.
2. The relevant portion of the said judgment containing the submissions of the then learned Advocate General for the State is quoted bellow :

“Mr. S.N Mookherji, learned Advocate General of the State submitted that out of the list forwarded on February 25, 2020, 8 candidates were found to be eligible by the District Programme Officer on February 8, 2021 and out of the list dated January 19, 2021 forwarded by the Director, 15 candidates were found eligible for appointment on February 8, 2021 by the District Programme Officer. The District Programme Officer found 15 candidates to be eligible

from the second list. It was within the power of the Director ICDS to recommend the name of a candidate, as long as she met the eligibility criteria. It is nobody's case that the candidates who were engaged by the CDPO from the second list were not eligible. He submitted that once candidates are chosen from a list of eligible candidates, the Court in Judicial Review should not exercise its power for setting aside of an administrative decision."

3. The relevant finding of the coordinate Bench, *inter alia*, on the basis of the said submission made on behalf of the State from the said judgment is also quoted below :

*"10. *****

d. No reason was provided by the Director of ICDS for his pick and choose policy of recommending the names of 15 candidates for engagement from the second list only. Why the candidates who were found eligible from the first list that was forwarded almost one year before the second list of candidates, were not considered for appointment has not been explained either in the recommendation made on August 19, 2021 or in the Report filed by the respondent no. 4/the Director, pursuant to the directions passed by this Court on November 15, 2022. The only issue that has been urged in the said Report is with regard to the fact that the Anganwadi workers (AWW) and the Anganwadi Helpers (AWH) have different causes of action and the writ petition is not maintainable for joinder of causes of action."

4. The relevant direction of the coordinate Bench from the said judgment is quoted below :

"11. In the light of discussions above, this Court directs that the petitioners, whose names appeared

in the first list dated February 25, 2020 and subsequently recommended as eligible candidates on February 8, 2021, to be appointed immediately and not later than 3 weeks from date to the posts of Anganwadi Workers and Anganwadi Helpers in Integrated Child Development Services, Purulia in the Home Quota. However, this Court is not inclined to disturb the appointments/engagements of the Candidates from the second list as there is no allegation in the Writ Petition as to their ineligibility.”

5. Mr. Amit Ranjan Pati, learned Counsel appearing for the petitioner referring to **page 76** to **WPA 9188 of 2024** submits that, the candidates named therein were featured in the second list, who have also received appointments.
6. Mr. Tulsi Das Roy, learned Advocate appearing for the State submits a Government Memorandum bearing No. 9530-SW/12 dated Kolkata, the 3S-267/12 **9th November, 2012** to show the relevant rules and guidelines with regard to the relevant appointment, copy of the said Government Memorandum is taken on record. Learned State Advocate then submits an instruction dated **September 15, 2025** showing the vacancy position as on that date and submits that the same may also be taken on record. The said letter of instruction is also taken on record. The relevant portion from the said letter of instruction is also quoted below :

“It is most humbly submitted that the Hon’ble Court, should it deem fit and proper, may be graciously pleased to Consider the following details while adjudicating upon the matters related to the captioned writ petitions:

Vacancy Position-Purulia District

1. Anganwadi Workers (AWW):

Para ICDS Project, Purulia -1 post

Bundwan ICDS Project, Purulia-5 posts

Total AWW Vacancy : 6 posts

2. Anganwadi Helpers (AWH):

Manbazar II ICDS Project, Purulia-1 post

Santuri ICDS Project, Purulia-3 posts

Bundwan ICDS Project, Purulia-5 posts

Para ICDS Project, Purulia-6 posts

Jhalda I ICDS Project, Purulia-3 posts

Total AWH Vacancy: 18 posts

Thus, the district of Purulia presently have 6 effective vacancies for the post of Anganwadi Workers (AWW) and 18 effective vacancies for the post of Anganwadi Helpers (AWH).

It is further submitted, with utmost defence, that should the Hon'ble High Court so desire, appointments may be graciously directed to be accorded against the aforesaid vacancies in the respective ICDS Projects, under Government Quota and others, in order to serve the ends of justice and equity.

This submission is made with all humility, for the kind consideration of the Hon'ble Court, in the earnest hope that such clarification of vacancies will facilitate a just and expeditious resolution of the pending writ petitions."

7. In view of the foregoing reasons and discussions, this Court directs that the five numbers of writ petitioners in both these two writ petitions whose names appeared in the **first list** dated **February 25, 2020** and

subsequently recommended as eligible candidates on **February 8, 2021** shall be appointed at the post of Anganwadi Workers and Anganwadi Helpers in an Integrated Child Development Services, Purulia in the Home Quota immediately and **not later than three weeks** from the date of communication of this order.

8. It is made clear that, this Court has not disturbed or interfered with the appointments/engagement of the candidates from the second list as there is no allegation in the writ petition as to their ineligibility.
9. With the above observation and directions both the writ petitions stand **allowed**, without any order as to costs.
10. Photocopy of this order be kept with record of each of these writ petitions.
11. All parties are directed to act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)