

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

Present:

The Hon'ble Justice Shampa Dutt (Paul)

WPA 16366 of 2017

Sarbani Sardar (Naskar) & Ors.

Vs.

The State of West Bengal & Ors.

For the Petitioners : Mr. Saibalendu Bhowmik,
Mr. Subrata Bhattacharjee.

For the Added Opposite Parties : Mr. Biplab Guha,
Ms. Srilekha Chatterjee.

For the State : Mr. Sanatan Panja.

Hearing concluded on : 30.07.2025

Judgment on : 30.07.2025

SHAMPA DUTT (PAUL), J. :

1. The writ application has been preferred praying for declaring the order, if any, of the alleged expiry of the validity of previous panel dated 01.09.2014 and likely disqualification of other candidates, as reflected in the Memo No.87/ICDS (Joy-II) dated 16.03.2017 of the Child Development Project Officer, Joynagar-II ICDS Project, Nimpith, South 24-Parganas (Annexure "P-10") as illegal, invalid, biased and inoperative in law.
2. The petitioner's case herein is that in response to a Notice No.232/ICDS (JOY-II) dated 30.11.2009, the petitioners applied

for consideration for appointment to the post of Anganwadi Helpers of Joynagar - II, G.P. MAYDAH, South 24-Parganas.

3. They were called for interview for the said post on 03.03.2014 vide Memo no.54/ICDS (Joy II) dated 18.02.2014 of the Child Dev. Project Officer, Nimpith, South 24-Parganas addressed to the petitioner No.1 (Annexure "P-1") and that similar interview letters were addressed to all other petitioners.
4. Upon completion of selection process, the Child Dev. Project Officer vide his order dated 01.09.2014 published a panel of 13 successful candidates for the post of Anganwadi Helpers of Joynagar- II, ICDS Project, G.P. MAYDAH. But no appointment letters were received by the petitioners in spite of being empanelled.
5. The petitioners made representation before the respondent authorities but still were not issued appointment letters.
6. Finally the Child Development Project Officer Joynagar II, ICDS Project, Nimpith, South 24-Parganas by his Memo No.87/ICDS (Joy II) dated 16.03.2017 informed, inter alia, that *"As the Chairman of the Project level Selection & monitoring Committee had tendered his resignation on 22.05.2015, no meeting held thereafter till now. New PLSMC has been formed now. But, the validity of previous Panel has expired. As validity of panel has expired, the other candidates are likely to be disqualified"*.

- 7.** Being aggrieved, the petitioners have preferred the present writ application.
- 8.** The State in course of hearing has filed a report in the form of affidavit. It is stated in the report on affidavit by the respondent authorities that the copy of the panel in the present case annexed to the writ application is a “forged” one.
- 9.** It is further stated that the copy of the panel enclosed does not bear the signature of any committee member and only seems to bear the signature of the then C.D.P.O, Joynagar II, ICDS Project Nimpith, South 24 Parganas. The panel if any, created in such fashion in order to gain validity, has to undergo further processes as mentioned in Clause 16. 1. of the Circular on Recruitment in ICDS. Without any approval of the selection committee or the Director of Social Welfare, Department of Women & Child Development and Social Welfare or District Magistrate in respect of ICDS projects, such panel is void ab initio.
- 10.** It is further stated in the report that total no. of AWC in the Maydah Gram Panchayat is thirty, out of which Twenty Seven Angawadi Helpers are already engaged and only three posts are lying vacant.
- 11.** The said two vacant posts are one Home/Government-quota, reserved for the categories, one Home/Government quota, one OBC and ST each.

12. The report further notes that assuming the panel dated 1st September, 2014 is true, still such panel does not create any right over the petitioners to be appointed for the reason of lack of vacancy in the said Gram Panchayat in the category "General" and "SC" as evidently reported in the resolution of the meeting dated 18th July, 2014.
13. The further case of the State is that the petitioner no. 1 at the time of making her application for the said post in the Maydah Gram Panchayat neither mentioned that she belonged to the scheduled caste category, nor produced any caste certificate to that effect. Moreover it is stated that on scrutiny of the instant writ petition and the annexures therein, it is observed that even after two years of empanelment the petitioner no. 1 did not make any application that she has wrongly been empanelled under the category "General". It was only in the year 2016 that she came up with such submissions that she belonged to "Scheduled Caste" category and applied under the said category but has been empanelled under the category "General".
14. It is also stated that on scrutiny of the application form of the petitioner no. 1, it is observed that there is no information about the caste in the application of the petitioner no. 1.
15. That as per resolution dated 8th January, 2015, it was decided that for the interest of public service vacant posts would be filled

up by the empanelled candidates for three months only, and by rotation all empanelled candidates would be given opportunity to work as Anganwadi Helpers till the filling up of the reserved posts.

16. The then CDPO convened at a meeting dated 18th May, 2015 so as to enquire the progress of the filling up of vacancies on a temporary basis for the post of Anganwadi Helpers. However the then CDPO had expressed doubts about such process of engagement of Anganwadi requirement Helpers and also then expressed clarification/approval from Higher Authorities for the same.
17. Accordingly such clarifications were sought from the District Administration vide Memo No. 258/ICDS/Joy-II dated 3rd June, 2015. In the meantime the Chairman of the PLMSC resigned on 22nd May, 2015.
18. As such the meeting could not be convened. However on 28th February, 2017, the name of a new chairman was proposed by the DSMC and a new PLSC was formed. The present CDPO (who formally took charge on 15th May, 2017) on 24th July, 2017 summoned a meeting on 3rd August, 2017 but the same could not be conducted due to the absence of the Chairman.
19. It is further stated that the validity of the panel dated 1st September, 2014, if at all genuine, has expired in the year 2016.

No vacancy was/is available in the post of Anganwadi Helpers

other than the two reserved posts for the OBC and ST category, for which no suitable candidates are available, thus no appointments are made for the said post. Several documents in support of the statements made have been annexed to the report which has been **filed by the Secretary of the Department**, before this Court in compliance of the order dated 07.11.2017.

- 20.** The report ends with the statement that **“the said panel which was created on 01.09.2014 was valid for two years i.e., up to 31.08.2016”**.
- 21.** It appears from the materials on record that the petitioners herein being Smt. Sarbani Sardar (Naskar) (1 Gen.), Jaba Naskar (Mondal) (3 Gen), Golapi Molla (5 Gen), Sujata Sardar (Roy) (6 Gen), Sikha Naskar (7 Gen), Ashima Halder (Naskar) (12 SC), and Sushila Sardar (Daptari) (13 Gen) were empanelled applicants as seen from the list annexed at page 22 being Annexure P-2.
- 22.** It also appears that other than the petitioner no. 6, rest of the candidates appeared as “General” candidates.
- 23.** It appears from a memo dated 16.03.2017 (Annexure P-10) which was sent to the petitioner no. 1 under the RTI Act, that the validity of the previous panel has expired.
- 24.** The documents annexed by the writ petitioners does not include the notice dated 30.11.2009 for issued appointment/recruitment

to the post of Anganwadi Helpers of Joynagar- II, ICDS Project, G.P. MAYDAH.

25. As such without the copy of the notice it is difficult to ascertain as to what was the number and category of vacancies.
26. The State has placed a copy of the circular which lays down the procedure to be followed while preparing such a panel and the period of validity of the panel.
27. It appears from the **copy of the meeting of the selection committee that the vacancies advertised were two in number. One was reserved for OBC and one for ST.**
28. **Admittedly none of the petitioners filed their application under the said categories and as such no candidates were found eligible to fill up the said vacancy.**
29. **Subsequently the validity of the panel expired.** Finally a report dated 03.06.2015 was submitted by the CDPO, Jaynagar-II, ICDS Project, addressed to the District Program Officer and is annexed to the report filed by the State at page 17, wherein it shows that **no eligible candidate was found in the said recruitment and the petitioners herein have neither filed their copy of the application nor produced any document to show that they come within the said “reserved” category.**
30. Considering the said facts and the materials on record this Court finds that none of the petitioners herein were eligible for

appointment to the category of posts, which were vacant, as seen from the panel relied upon by the petitioner and in course of time as per the circulars, the validity of the panel expired.

31. Accordingly, the writ petition having no merit, stands dismissed.

32. Pending applications, if any, stands disposed of.

33. Interim order, if any, stands vacated.

34. Urgent Photostat certified copy of this Judgment, if applied for, be given to the parties, upon usual undertakings.

[Shampa Dutt (Paul), J.]