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2026:GAU-AS:16633

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5155/2021

MAHMUDA BEGUM AND 3 ORS
W/O- FIROZUR RAHMAN AKAND, R/O- VILL- FATTAPARA, P.O. AND P.S. SUKCHAR, DIST.- SOUTH SALMARA MANKACHAR, ASSAM

2: DILWARA BEGOM
W/O- MUKUT ALOM
R/O- VILL- FATTAPARA
P.O. AND P.S. SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM

3: KOLPONA BEGUM
W/O- ENAMUL HASSAN SIDDIQUE
R/O- VILL- FATTAPARA
P.O. AND P.S. SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM

4: MOUSHUMI BEGUM
W/O- JAKIRUL ISLAM
R/O- VILL- FATTAPARA
P.O. AND P.S. SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SOCIAL WELFARE DEPTT., DISPUR, GHY-06

2:THE DY. COMMISSIONER
SOUTH SALMARA MANKACHAR
HATSINGIMARI

PIN- 783135

3:THE DISTRICT SOCIAL WELFARE OFFICER
SOUTH SALMARA MANKACHAR
HATSINGIMARI
PIN- 783135

4:THE CHILD DEV. PROJECT OFFICER (CDPO)
FEKAMARI ICDS PROJECT FEKAMARI
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 783135

5:SURIMA BEGUM
W/O- SAMSUDDIN SHEIKH
R/O- VILL- FATTAPARA
P.O. AND P.S. SUKCHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM
PIN- 78312

Advocate for the Petitioner : MR. M A ISLAM, MS L DAS,MR J I MONDAL

Advocate for the Respondent : GA, ASSAM, MR M RANA (R-5)

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 11.11.2026

Heard Mr. M.A. Islam, learned counsel, appearing for the petitioners. Also heard Mr. M. Rana, learned counsel, appearing for the respondent no.5.

2. The petitioners by way of instituting the present writ petition, have presented a challenge to an order dated 27.09.2020 issued by Child Development Project Officer (CDPO), Fekamari ICDS Project,

Fekamari, towards modifying an earlier advertisement dated 26.06.2019, issued for direct recruitment against the post of Anganwadi Worker available at 191 No. New Fattapara Anganwadi Centre and contemplating to fill up the post through the upgradation of services of an eligible Anganwadi Helper.

3. The facts in brief requisite for adjudication of the issues arising in the present writ petition is noticed, as under;

3.1. Vacant posts of Anganwadi Worker and Anganwadi Helper being available in Anganwadi Centres under the Fekamari ICDS Project, the CDPO, ICDS Fekamari, vide advertisement dated 26.06.2019, proceeded to advertise the post of Anganwadi Worker and Anganwadi Helper. A post of Anganwadi Worker available in 191 No. New Fattapara Anganwadi Centre was also advertised, therein. The petitioners, herein, being eligible for recruitment against the post of Anganwadi Worker so advertised, submitted their respective applications complete in all respect. Thereafter, upon processing the applications received, the respondent authorities vide notification dated 02.08.2019, scheduled the interview for the post so advertised on 09.08.2019. However, the said interview was not held. Thereafter, the Child Development Project Officer (CDPO), Fekamari ICDS Project, vide Office Order dated

27.09.2020, proceeded to modify the advertisement dated 26.06.2019; insofar as the vacant post of Anganwadi Worker available at 191 No. New Fattapara Anganwadi Centre was concerned and the same was taken out of the purview of direct recruitment and was directed to be filled up by upgrading the services of eligible Anganwadi Helpers working in Anganwadi Centres within the Revenue Village, wherein, the 191 No. New Fattapara Anganwadi Centre is situated.

Being aggrieved, the petitioners have instituted the present writ petition.

4. Mr. M.A. Islam, learned counsel for the petitioners, by reiterating the facts, noticed, hereinabove, has submitted that the advertisement being issued and the petitioners along with others having submitted their respective applications, the respondent authorities on finding the petitioners and others to be so eligible, having scheduled a selection for the purpose of recruitment against the post so advertised vide the advertisement dated 26.06.2019, including the post of Anganwadi Worker available in 191 No. New Fattapara Anganwadi Centre, could not have modified the advertisement dated 26.09.2019 and removed the post of Anganwadi Worker available in 191 No. New Fattapara Anganwadi Centre, causing prejudice to the interest of the

petitioners, herein.

4.1. Mr. Islam, submits that the said Office Order dated 27.09.2020, issued towards modifying the advertisement dated 26.06.2019, was so issued only to favour the respondent no.5, herein, with an upgradation to the post of Anganwadi Worker and the same was not so done in the interest of the public service.

4.2. Mr. Islam, further submits that a process of direct recruitment having been initiated and the post of Anganwadi Worker in 191 No. New Fattapara Anganwadi Centre having been identified to be so filled up by way of direct recruitment, the respondents subsequently, could not have altered the mode of recruitment against the said vacant post of Anganwadi Worker and accordingly, submits that the Office Order dated 27.09.2020 and the consequential steps taken in pursuance, thereto, would mandate an interference from this Court.

5. Per contra, Mr. M. Rana, learned counsel, appearing for the respondent no.5, submits that the upgradation of eligible Anganwadi Helper to the post of Anganwadi Worker is permissible in pursuance to issuance of a notification dated 04.03.2013, by the Government of Assam in the Social Welfare Department. He submits that the respondent no.5 was initially engaged as a Anganwadi Helper in 191

No. New Fattapara Anganwadi Centre on 13.04.2010. He further submits that the Anganwadi Worker in the said Centre having resigned from her services, it was the respondent no.5 who was entrusted with the responsibility to discharge the duties attached to the post of Anganwadi Worker in the said Centre. He submits that the policy in place for upgradation of Anganwadi Helper, permitting such upgradation of Anganwadi Helpers in the same Anganwadi Centres where they were working and/or in other Aganwadi Centres existing in the same Revenue village, the respondent authorities prior to issuance of the advertisement dated 26.06.2019, ought to have examined the said position and thereafter only on finding that there was no eligible Anganwadi Helper available for upgradation against the post of Anganwadi Worker so advertised, could have put up the same for direct recruitment.

5.1. Mr. M. Rana, accordingly, submits that the respondent authorities having subsequently found that there were Anganwadi Helpers eligible for being upgraded to the post of Anganwadi Worker, proceeded vide Office Order dated 27.09.2020, to modify the advertisement dated 26.06.2019, taking out the post of Anganwadi Worker advertised, thereby, from the purview of direct recruitment and

requiring the same to be so filled up by upgradation of an eligible Anganwadi Helper working in the same Anganwadi Centres and/or Anganwadi Centres situated in the same Revenue Village.

5.2. Mr. M. Rana, further submits that in pursuance to the issuance of the Office Order dated 27.09.2020, the services of the respondent no.5, herein, was upgraded vide issuance of an Office Order dated 11.11.2020. He submits that the respondent no.5, thereafter, is working as an Anganwadi Worker in 191 No. New Fattapara Anganwadi Centre.

6. I have heard the learned counsel for the parties and also perused the materials available on record.

7. It is an admitted position that vide advertisement dated 26.06.2019, along with the post of Anganwadi Helper so put up for direct recruitment, a post of Anganwadi Worker available in 191 No. New Fattapara Anganwadi Centre was also put up for direct recruitment. The respondent no.5, herein, at the relevant point of time was working in the said Anganwadi Centre as an Anganwadi Helper and was also holding the charge of the post of Anganwadi Worker existing, therein. In terms of a Notification dated 04.03.2013, issued in pursuance to the decision arrived at in this connection by the Government of India, guidelines came to be notified for upgradation of services of Anganwadi

Helpers working in various Anganwadi Centres.

8. The respondent authorities, thereafter, on finding that the respondent no.5, herein, was eligible for being upgraded to the post of Anganwadi Worker and a vacancy for the purpose being available in the same very Anganwadi Centre where she was working had proceeded vide Office Order dated 27.09.2020 to modify the advertisement dated 26.06.2019 and requiring the post of Anganwadi Worker so advertised to be filled up by upgradation of an eligible Anganwadi Helper working in a Anganwadi Centre in the same Revenue Village.

9. Accordingly, the case of the respondent no.5 on being considered for such upgradation in terms of the guidelines notified vide the notification dated 04.03.2013, she being found to be eligible, was vide order dated 11.11.2020, upgraded to the post of Anganwadi Worker against the vacant post available in 191 No. New Fattapara Anganwadi Centre.

10. It is to be noted that such upgradation of the services of the respondent no.5 was so effected vide order dated 11.11.2020 after the same had received approval of the Director, Social Welfare, Assam. The upgradation of the services of the respondent no.5 being in terms of the policy decision adopted in this connection by the Government of Assam,

in the Social Welfare Department, Assam, and it not being projected that the respondent no.5 was not eligible for being considered for such upgradation, this Court only on the ground that the post was put up for direct recruitment, would not proceed to accept the claim made by the petitioners in the present writ petition, inasmuch as, no right is found to have accrued upon the petitioners for being selected, only on account of they submitting applications for consideration of their cases in pursuance to the advertisement dated 26.06.2019.

11. It is also not disputed by the petitioners that in pursuance to the advertisement dated 26.06.2019, no selection was held for the post of Anganwadi Worker as advertised and available in the 191 No. New Fattapara Anganwadi Centre.

12. Accordingly, this Court is of the considered view that only on account of submission of applications by the petitioners in pursuance to the advertisement dated 26.06.2019, no right for recruitment against the post, in question, had accrued to them. Further, the upgradation of the services of the respondent no.5 being in terms of a policy decision as noticed, hereinabove, such upgradation in the considered view of this Court would not mandate an interference.

13. Accordingly, for the reasons assigned, hereinabove, the

challenge made by the petitioners to the Office Order dated 27.09.2020 and the consequential steps taken in pursuance, thereon, would not mandate an acceptance by this Court and accordingly, the present writ petition is held to be devoid of any merit and consequently, the same stands dismissed. However, there would be no order as to costs.

JUDGE

Comparing Assistant