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

Case No. : WA/327/2024

JYOTI DOLEY(PATIR) AND 3 ORS
W/O SRI ANIL PATIR, VILL. BHITOR BOCHAMUKH, P.O. BAKULGURI, P.S. DHAKUAKHANA, DIST- LAKHIMPUR, ASSAM

2: MONIKA DOLEY
W/O SRI DIBYAJYOTI DOLEY
VILL. BALIJAN DANGDHARA
P.O. OGURI
P.S. DHAKUAKHANA, DIST- LAKHIMPUR
ASSAM

3: MALABIKA MILI PATIR
W/O SRI RAMEN PATIR
VILL. JANOU KHAJUA PATIR
P.O. KHAJUA PAIR
P.S. DHAKUAKHANA, DIST- LAKHIMPUR
ASSAM

4: BORNALI PEGU
W/O SRI PRIYADIP PEGU
VILL. BOGORIGURI
P.O. BAKULGURI, P.S. DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, SOCIAL WELFARE DEPTT., DISPUR, GHY-6

2:THE DIRECTOR OF SOCIAL WELFARE
KACHARI, GHY-1

3:THE DISTRICT SOCIAL WELFARE OFFICER
LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

4:THE DY. COMMISSIONER
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM

5:THE CHILD DEVEL. PROJECT OFFICER
DHAKUAKHANA ICDS PROJECT LAKHIMPUR
DIST- LAKHIMPUR
ASSAM

6:THE CIRCLE OFFICER
DHAKUAKHANA REVENUE CIRCLE
DHAKUAKHANA
DIST- LAKHIMPUR, ASSAM

7:PREMBALA KAMAN PATIR
W/O SRI MONJIT PATIR
R/O BHITOR BOCHAMUKH
P.O. BOKULGURI
MOUZA- and P.S. DHAKUAKHANA
DIST- LAKHIMPUR, ASSAM

8:PINKY PATIR DOLEY
W/O SRI PADMAKANTA DOLEY
R/O BALIJAN DANGDHARA
P.O. OGURI, MOUZA- and P.S. DHAKUAKHANA
DIST- LAKHIMPUR, ASSAM

9:DIPAMONI PATIR
D/O SRI RANJAN PATIR
R/O JANOU KHAJUA PATIR
P.O. KHAJUA PATIR
MOUZA and P.S. DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM

10:NIJARA PATIR
D/O LT. MUKTI PATIR
R/O VILL. NO.1 BOGORI UPPER
P.O. BOKULGURI
MOUZA- and P.S. DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM

For the petitioner(s)/appellant(s) : Mr. P. Mahanta, Advocate
Mr. P. K. Gogoi, Advocate

For the Respondent(s) : Ms. M. Bhattacharjee, Addl. Sr. GA, Assam
Mr. N.N.B. Choudhury, Sr. Advocate
Ms. K. Dey, Advocate

–B E F O R E –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

26.11.2026
(Ashutosh Kumar, CJ)

We have heard Mr. P. Mahanta, learned Advocate for the appellants; Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, Assam, for respondents No. 1 to 6, and Mr. N.N.B. Choudhury, learned senior Advocate for the private respondents No. 7 to 9.

The appellants have questioned the judgment dated 06.08.2024, passed by a learned Single Judge of this Court in WP(C) No. 5089/2015 upholding the termination of the engagement of the appellants as Anganwadi Workers in the respective Anganwadi Centres.

Pursuant to an advertisement floated in the year 2009 for appointment of Anganwadi Workers, the appellants had applied for the same and had become successful. They were engaged as Anganwadi Workers in the year 2010.

The private respondents challenged their selection vide WP(C) No. 4359/2010, on the ground that the appellants did not belong to the local areas of the respective Anganwadi Centres, which was an essential eligibility condition for such engagement as Anganwadi Worker.

The learned Single Judge of this Court, who heard the matter,

disposed off the afore-noted writ petition [WP(C) No. 4359/2010] vide order dated 07.01.2013, directing the Director, Social Welfare Department, Assam, for making an inquiry into the residential status of the appellants and to pass necessary order after affording the opportunity of hearing to the appellants. It was also directed, as an interim measure, that till a decision is taken by the authorities, as directed, the appellants shall be allowed to continue in their engagements.

Pursuant to the afore-noted direction of the learned Single Judge, the Director of Social Welfare, Assam, conducted an inquiry through the agency of the Deputy Commissioner concerned, and submitted a report in July, 2015, with a note that the appellants did not belong to the areas where they were appointed. Consequently, thereafter vide an order dated 03.08.2015, issued by the Child Development Project Officer, Dhakuakhana ICDS Project, the appellants' engagements were terminated and they were released from their respective duties.

This order dated 03.08.2015 was challenged by the appellants vide WP(C) No. 5089/2015, primarily on the ground that the inquiry was unfair as they were not afforded any opportunity of hearing. In fact, the contention of the appellants before the learned Single Judge was that the residential verification was flawed.

However, the appellants continued to work for quite some time on the strength of the afore-noted interim order passed in WP(C) No. 4359/2010.

Finally, the writ Court, vide the judgment impugned, upheld the order of termination of the engagement of the appellants. It was observed by the learned Single Judge that new incumbents had been

engaged as Anganwadi workers, who had already spent about a decade in service. The inquiry process was also perused by the learned Single Judge and it was found that such inquiry was conducted under the orders of the Court and all necessary facts were noted down in the report. The learned Single Judge also observed that the Director of Social Welfare, while inquiring the case of the appellants, turned his specific focus on the appellants and few others and that there was nothing in the report to demonstrate that the inquiry is bad in any manner whatsoever. Thus, the challenge of the appellants to the inquiry was found to be unsustainable.

The learned Single Judge, in our estimation, very justifiably repelled the contentions of the appellants.

For the reason of the initial engagement of the appellants not being in accordance with the rules in as much as the appellants did not fulfil the requirement of being the inhabitants of the same area where the Anganwadi Centres are located and, furthermore, other new incumbents having been engaged in their places, who have been working for about a decade, this Court finds no merit in this appeal.

The appeal is, thus, dismissed.

No order as to costs.

JUDGE **CHIEF JUSTICE**

Comparing Assistant