Form J-2

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Sudip Deb

WPA 3621 of 2009

ESMATARA BEGUM
VS
THE STATE OF WEST BENGAL & ORS.

For the Petitioner	: Mr. L. R. Mondal Mr. Sk. Kiran
For the State	: Mr. Indradeep Pal Mr. Sudipta Ghosh Ms. Sudipta Maity
Heard on	: 13.11.2026
Judgment on	: 13.11.2026

Sudip Deb, J.:

1. The petitioner and respondent no. 1 are represented by their advocates. Despite service the other respondents have not appeared.
2. This instant writ petition has been filed by the petitioner seeking appointment to the post of Anganwadi Worker under Raghunathganj-II Block, Murshidabad, in respect of a Project called Integrated Child Development Project (hereinafter referred to as 'the said Project') under the Integrated Child Development Scheme.
3. The petitioner had made an application for appointment pursuant to a Notification dated 24th September, 1998, issued by the respondent no.7.

4. Since, nothing was happening a representation had been made by the petitioner dated 14th June, 2000, addressed to the respondent no.2 for consideration of her appointment.

5. Since, the respondents were not considering the representation of the petitioner, a writ petition being WP 14860(W) of 2000 was filed by the petitioner for consideration of the said representation. Thereafter, the said writ petition was finally disposed of by a Co-ordinate Bench of this Court on 16th October, 2007, directing the respondent authorities to consider the said representation.

6. It appears from the record that after the said order was passed, the respondent no. 7 had finally considered the said representation and passed an order on 8th July, 2008, holding that since the validity of the period of the panel for which the petitioner had made an application seeking appointment, had expired, the petitioner does not have any merit at this stage. The said order was passed by the respondent no. 7 and the order was also communicated to the learned advocate for the petitioner.

7. In the instant writ petition, the petitioner seeks appointment. The petitioner also prayed for an order restraining the respondents from giving any effect to the said letter dated 8th July, 2008, whereby the aforesaid order was communicated to the learned advocate for the petitioner. When the writ petition was moved, a direction was given to file affidavits. It also appears from the record that the respondent no. 7 had filed its affidavit-in-opposition and the petitioner had also filed her affidavit-in-reply to the said affidavit-in-opposition.

8. Learned advocate for the petitioner submits that the order passed by the respondent no. 7 is very cryptic and does not give any specific reason for rejecting the petitioner's application seeking appointment.
9. He further submits, on instructions, that the very project for which the petitioner had applied for appointment is still ongoing. He submits that since the Project is still ongoing, the petitioner's representation should be considered afresh by the respondent authorities and in case there is any vacancy the petitioner's appointment should be considered. He also prays not to give any effect to the said order dated 8th July, 2008.
10. Learned advocate appearing for the State respondent submits that the appointment of the petitioner may be considered if the Project is still ongoing and in case there is any vacancy suitable for the post of the petitioner for which she had applied.
11. Heard the learned advocates for the parties and perused the record.
12. This Court is of the view that the order by which the petitioner's representation seeking appointment had been rejected is very cryptic and does not give any reason save and except pointing out that validity period of the said panel had expired.
13. From the notification dated 24th September, 1998, issued by the respondent no. 7, it does not appear anywhere that there is any time limit mentioned for consideration of any panel. Therefore, on the face of it, it appears that the rejection of the petitioner's application is perverse and demonstrates total non-application of mind by the respondent no. 7.
14. In the absence of any specific clause mentioned in the notification dated 24th September, 1998, the reasoning given by the respondent no. 7 to the

effect that the petitioner did not have any merit because the validity period of the said panel had expired is not acceptable to the Court. Moreover, the respondent no. 7 had not considered the credentials of the petitioner. It is settled law that when an authority passes an order the same has to be a speaking order. Unfortunately, in the said three-line order, none of the aforesaid components are present. It is apparent from the said order that there was total non-application of mind on the part of the respondent no. 7 while arriving at such finding. This also amounts to a violation of principles of natural justice and fair play. As such, this Court is of the view that the order dated 8th July, 2008, cannot be sustained in law and accordingly, the same is set aside.

15. If the petitioner is found to be eligible strictly in accordance with law, then the appointment should be given to the petitioner for the post for which she had applied. In the event, it is found that the petitioner is ineligible then there should a detailed reasoned order communicating the same to the petitioner.

16. Considering the agony of the petitioner, this Court is of the view that the representation of the petitioner dated 14th June, 2000, should be considered afresh by the respondent no. 7. The respondent no. 7 and/or the appropriate authority are directed to consider the said representation dated 14th June, 2000, relating to the petitioner's appointment in the said Project strictly in accordance with law, if the Project is still ongoing and if there is any vacancy. In the event, if there is any vacancy to the post for which the petitioner had applied and the Project is still ongoing, the respondent no. 7 and/or the appropriate authority shall pass a reasoned

order in the light of the observations made in this order. Such order shall be passed within four weeks from the date of communication of this order and the same shall be communicated to the petitioner within a period of two weeks from the date of passing such order. However, it is made clear that this order will not create any right or equity in favour of the petitioner in the event it is found that the petitioner is ineligible in the selection process.

17. With the aforesaid observations, the instant writ petition being WPA 3621 of 2009 stands disposed of.

18. There shall be no order as to costs.

19. Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Sudip Deb, J.)

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