Serial No.44
Supplementary Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

LPA 263/2026
In [WP(C) 1699/2023]
Caveat 2690/2026

Sumiya Yousuf
D/O: Mohd Yousuf Magray
R/O: Khuram Abad Vodhpora, Tehsil Handwara, District Kupwara. **...Appellant(s)**

Through:
Mr. Mir Umar, Advocate (through VC)

V/s.

1. Union Territory of J&K through Commissioner Secretary, Social Welfare Deptt. Govt. of J&K Civil Secretariat Srinagar/Jammu.

2. Mission Director ICDS Kashmir, Sringar.

3. District Programme Officer ICDS Distt. Kupwara.

4. Child Development Project Officer ICDSE Project Officer, Kupwara.

5. Rabiya Bashir
D/O: Bashir Ahmad Sheikh
R/o: Vodhpora Tehsil Handwara District Kupwara.
...Respondent(s)

Through:
Mr. Mian Tufail, Advocate for R-5.

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

JUDGMENT (ORAL)
03.11.2026

01. With the appearance of Mr. Mian Tufail, learned counsel, caveat stands ***discharged***.

02. This intra-court appeal, filed by one Sumiya Yousuf, is directed against an order and judgment dated 06.10.2026, passed

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by the learned Single Judge of this Court ["the writ Court"] in case titled ***"Sumaya Yousuf Vs. Union Territory of J&K and Ors."***, whereby the writ Court has dismissed the writ petition filed by the appellant herein to throw challenge to an Advertisement Notification dated 12.05.2023, issued by the CDPO, Poshan, Project Kupwara, insofar as it pertains to the post of Anganwari Worker at Anganwari Centre Shah Mohalla, Zandbathi Vodhipora ward No. 8 Kupwara.

03. Briefly stated, the facts leading to the filing of this appeal as are gatherable from the pleadings of the parties and the judgment impugned are that, the mother of the appellant namely Raja Begum who was working as an Anganwadi Worker at Anganwadi Centre Shah Mohalla, Zandbathi Vodhipora ward No. 8 Kupwara, died in harness on 06.12.2021.

04. The appellant was admittedly minor at the relevant point of time and, therefore, could not stake her claim for appointment as Anganwadi Worker at Anganwadi Centre Shah Mohalla, Zandbathi Vodhipora ward No. 8 Kupwara, in place of her mother on compassionate grounds. She attained majority only on 02.11.2023, if we go by the Date of Birth indicated in the matriculation marks card produced by the appellant subsequently.

05. Be that as it may, the post left vacant by the demise of the mother of the appellant could not be filled up for some time and, in the meanwhile, there was an amendment of the Anganwadi

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Scheme, in terms of which not only the post of Angawadi Worker and Anganwadi Helper were re-designated as Sanginis (AWWs) and Sahayikas (AWHs), respectively, but the mode and manner of recruitment for filling up the vacancies of Sanginis and Sahayikas were also changed.

06. Pursuant to the aforesaid amendment, Advertisement Notification No. 1 of 2023 dated 12.05.2023 came to be issued for filling up the post of Sanginis and Sahayikas, which included the post of Sangini (Anganwadi Worker) in Anganwadi Centre Shah Mohalla, Zandbathi Vodhipora ward No. 8 Kupwara. The appellant, who was still minor and ineligible for the post of Sangini (Anganwadi Worker) filed WP(C) No. 1699/2023 calling in question the Advertisement Notification issued by the CDPO concerned, on the ground that she had a prior right of appointment against the post lying vacant due to the demise of her mother. In support of her claim, the appellant relied upon the Government Order No. 283-SW of 2017 dated 07.09.2017, in particular the Norm No. "K" which provided for compassionate appointment of a family member of the Anganwadi Worker dying in harness, provided such member is possessing minimum prescribed qualification and is otherwise eligible for such engagement.

07. It may be pertinent to mention here that the Advertisement Notification impugned in the writ petition

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culminated into the selection in which respondent No. 5 emerged as a selected candidate. This made the appellant to amend the writ petition and throw challenge to the selection and appointment of respondent No. 5.

08. The writ petition was contested by both the official as well the private respondent. The writ Court after considering the rival contentions of the parties came to the conclusion that the appellant was minor and, therefore, ineligible to be engaged as Anganwadi Worker when the right to seek such appointment accrued to her on the death of her mother on 06.12.2021.

09. The writ Court also noted that even at the time of issuance of Advertisement Notification and filing of the writ petition, the appellant was minor and, therefore, had no valid claim to the post of Anganwadi Worker which fell vacant due to the demise of her mother i.e., Late Raja Begum. The writ Court thus found no merit in the writ petition and dismissed the same in terms of the judgment impugned in this appeal.

10. The impugned judgment has been called in question by the appellant primarily on the ground that the writ court has not appreciated that a vested right accrued to the appellant on the death of her mother who was serving as an Anganwadi Worker at Anganwadi Centre Shah Mohalla, Zandbathi Vodhipora ward No. 8 Kupwara in terms of Norm No. "K" of Government Order No. 283-SW of 2017 dated 07.09.2017. She, therefore, submits that the

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said post/position of Anganwadi Worker could not have been put to advertisement.

11. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the writ Court has very correctly appreciated the controversy and has rightly come to the conclusion that the appellant was not only a minor at the time of death of her mother i.e., 06.12.2021, but was also ineligible to be engaged as Anganwadi Worker even on the date of issuance of Advertisement Notification dated 12.05.2023. The plea of the appellant that the positions of Anganwadi Worker at Anganwadi Centre Shah Mohalla, Zandbathi Vodhipora ward No. 8 Kupwara, should have been allowed to remain vacant till the appellant attained majority, is devoid of any merit and, therefore, cannot be accepted.

12. Needless to say that, in the instant case, the compassionate appointment provided to the family member(s) of the Anganwadi Worker dying in harness is not a statutory provision, but is an act of benevolence shown by the official respondents.

13. The Norm No. "K" of the Government Order No. 283-SW of 2017 dated 07.09.2017 is very clear and unequivocal and right of a member of the family of an Anganwadi Worker dying in harness, is subject to such member having the requisite eligibility to hold the post. We would have appreciated had the appellant

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attained the majority even at the time when the post was put to advertisement. In that situation perhaps we could have given some kind of consideration to the claim of the appellant.

14. For the foregoing reasons and for the reasons elaborated by the writ Court in the judgment impugned, we find no merit in this appeal and the same is, accordingly, ***dismissed***, along with connected CM(s).

(MOHD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
03.11.2026
"Mir Arif"

(i) Whether the judgment is reportable? Yes/No.
(ii) Whether the judgment is speaking? Yes/No.



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