

GAHC010040682019



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

Case No. : WP(C) 1301/2019

1:SAJANA BEGUM RAJBARBHUIYA
D/O- NURUDDIN RAJBARBHUIYA, VILL- SINGERBAND PART-II, P.O-
HAZARIGRAM, P.S- LAKHIPUR, DIST- CACHAR, ASSAM, PIN- 788101

VERSUS

1:THE STATE OF ASSAM AND 5 ORS
TO BE REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM, SOCIAL WELFARE DEPTT, DISPUR, GUWAHATI- 06

2:THE DIRECTOR OF SOCIAL WELFARE DEPTT
ASSAM
UZAN BAZAR
GUWAHATI- 01

3:THE DEPUTY COMMISSIONER
CACHAR
SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

4:THE DISTRICT SOCIAL WELFARE OFFICER
CACHAR
SILCHAR
DIST- CACHAR
ASSAM
PIN- 788001

5:THE CHILD DEVELOPMENT PROJECT OFFICER
BINNAKANDI ICDS PROJECT
P.O AND P.S- LAKHIPUR
DIST- CACHAR
ASSAM

PIN- 788101

6:SELECTION COMMITTEE FOR SELECTION OF ANGANWADI WORKER IN
BINNAKANDI ICDS PROJECT
REP. BY THE CHILD DEVELOPMENT PROJECT OFFICER
BINNAKANDI ICDS PROJECT
P.O AND P.S- LAKHIPUR
DIST- CACHAR
ASSAM
PIN- 78810

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH**

ORDER

Date : 28-02-2019

Heard Mr. A. M. Barbhuiya, learned counsel for the petitioner.

Issue notice, returnable within 4 (four) weeks.

Mr. D. Nath, learned Add. Sr. Govt. Advocate accepts notice on behalf of the respondents.

The grievance of the petitioner is that the post of Anganwadi Worker, in respect of Angwandi Centre No. 110 Singerband Part II Mazumderpara Rupaibali G.P.under which has been advertised vide advertisement dated 08.02.2019 is the same post which was earlier advertised in 2013 for which the petitioner had applied.

However, pursuant to the advertisement made in 2013, instead of the petitioner, someone else one Smt. Lilima Begum Mazumder who was not resident of the village under the said Centre was appointed, which was challenged by the petitioner before this Court in WP(C) No. 6478/2013, which was allowed by this Court vide order dated 11.11.2013 directing the respondent authorities to examine the said issue.

Thereafter, the authorities ultimately considered the matter on 08.09.2015 holding that the appointment of the said Smt. Lilima Begum Mazumder, who was impleaded as respondent No. 6 in that writ petition was found not to be a resident and as such, was not entitled to be

appointed. Accordingly, the authorities directed the Child Development Project Officer (CDPRO), Bikkanandi ICDR project to take necessary steps in consultation with the project level Consultative Committee.

The petitioner was under impression that she would be given appointment in terms of the performance in the recruitment process under the advertisement issued in 2013 as referred to above. However, instead of appointing the petitioner, the respondent authority had issued the fresh advertisement on 08.02.2019 and as such, submits that the authorities have acted arbitrarily by not appointing the petitioner and resorted to fresh advertisement. Hence, being aggrieved the petitioner filed this petition.

In view of the submissions made, let the advertisement dated 08.02.2019 be remained suspended till the next date

The authorities may file their necessary affidavit clarifying the position.

JUDGE

Comparing Assistant