

GAHC010040682019



2026:GAU-AS:4915

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

Case No. : WP(C)/1301/2019

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

VERSUS

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, MR. JUNM LASKAR,MS. M
MEDHI,MRS. A AHMED

Advocate for the Respondent : GA, ASSAM,

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

01/04/2026

Heard Mr. A M Barbhuiya, learned counsel for the petitioner and Ms. U Sarma, learned Government Advocate, appearing for the State respondents.

2. The present writ petition has been instituted assailing an advertisement dated 08.02.2019, issued by the jurisdictional Child Development Project Officer, for engagement of an Anganwadi Worker against No. 110 Singerbond Part-II Anganwadi Center.

3. The petitioner in the present writ petition projects that in pursuance to an advertisement dated 22.07.2013, she had submitted her application for engagement as an Anganwadi Worker in No. 110 Singerbond Part-II Anganwadi Center (hereinafter, referred to as the Anganwadi Center in question).

After the last date of submission of applications, the respondent authorities, upon scrutinizing the applications received, prepared a panel of shortlisted candidates and therein, the name of the petitioner, along with that of one Lilima Begum Mazumdar figured. The said panel being published, the petitioner having learnt that Lilima Begum Mazumdar was not a resident, within the coverage area of the Anganwadi Center in question, had approached the authorities, praying for deletion of her name from the said panel.

The said prayer not being considered, the petitioner approached this Court by way of instituting a writ petition, being WP(C) No. 6478/2013.

The said writ petition was disposed of by a Co-ordinate Bench of this Court vide order dated 11.11.2013, directing the respondent authorities to dispose of the representation submitted by the petitioner, raising a dispute with regard to the residential status of said Lilima Begum Mazumdar.

The directions passed by this Court vide the said order dated 11.11.2013, having not been complied with, the petitioner had instituted a contempt case, being Cont. Cas(C) No. 199/2015.

During the pendency of the said contempt proceedings, the Deputy Commissioner, in terms of the directions passed vide order dated 11.11.2013, proceeded to examine the matter in terms of the representation submitted by the petitioner and on such examination, having found said Lilima Begum Mazumdar to be not a resident within the coverage area of the Anganwadi Center in question, proceeded vide order dated 08.09.2015, to delete the name of Lilima Begum Mazumdar from the panel, so prepared in the matter. It was further stipulated in the said order that the jurisdictional Child Development

Project Officer, shall now proceed with the matter in consultation with the Project Level Selection Committee.

Thereafter, this Court had taken up the contempt case, being Cont. Cas(C) No. 199/2015, for final consideration and vide order dated 23.11.2015, noticing the order passed in the matter by the jurisdictional Deputy Commissioner, proceeded to close the said contempt petition, directing the respondents, therein, to act in the matter strictly in terms of the findings of the Deputy Commissioner as recorded, in the order dated 08.09.2015. After the said order dated 23.11.2015, was passed by this Court, the jurisdictional Child Development Project Officer, proceeded to issue a fresh advertisement dated 01.01.2016, for recruitment against the post of Anganwadi Worker in the Anganwadi Center in question.

The petitioner, being aggrieved by the fresh process of recruitment initiated, had assailed the same before this Court by way of instituting a writ petition, being WP(C) No. 287/2016. During the pendency of the said proceedings, the learned counsel, representing the then Director of Social Welfare, Assam, having placed on record the application submitted by the petitioner in pursuance to the advertisement dated 01.01.2016, the petitioner prayed for withdrawal of the said writ petition, with a liberty to appear in the selection process as would now be initiated in pursuance to the said advertisement dated 01.01.2016.

This Court vide order dated 03.06.2016, permitted the petitioner to withdraw the said writ petition, with a further direction that the petitioner shall be permitted to appear in the selection process that would be held in pursuance to the advertisement dated 01.01.2016.

The petitioner projects that the respondent authorities by not taking the selection process as initiated in the matter, vide the earlier advertisement dated 22.07.2013 and/or the advertisement dated 01.01.2016 to its logical conclusion, have, thereafter, again on 08.02.2019 issued a further advertisement for the same very engagement, involved in the earlier two advertisements.

The petitioner, who is only a Matriculate, has assailed the fresh advertisement dated 08.02.2019, on the ground that the Educational Qualification has been enhanced, therein, to Higher Secondary Examination pass.

4. Mr. A M Barbhuiya, learned counsel for the petitioner, has submitted that the petitioner, being a shortlisted candidate in pursuance to the advertisement dated 22.07.2013, the respondent authorities were required to take the said selection process to its logical conclusion and in the event, the same was so done, the petitioner, herein, had a chance of being engaged as Angwanwadi Worker against the post advertised. He, however, submits that inspite of the repeated directions passed by this Court in the proceeding so instituted by the petitioner, the respondent authorities had not taken the said process to its logical conclusion and have been issuing one advertisement after the other and the post still remains vacant, as on date.

4.1 In the above premises, Mr. Barbhuiya, learned counsel for the petitioner submits that a direction be issued to the respondent authorities to conclude the selection process as initiated vide advertisement dated 22.07.2013, by reckoning the eligibility criterias as mandated on the date when the said advertisement was issued and to take the process to its logical conclusion.

5. Ms. U Sarma, learned Government Advocate, submits that the recruitment process as instituted vide advertisement dated 22.07.2013, admittedly not being taken to its logical conclusion, the same was superseded vide advertisement dated 01.01.2016. She submits that the petitioner cannot pray, in the facts and circumstances of the case, for a direction upon the respondent authorities to take the recruitment exercise as initiated vide advertisement dated 22.07.2013, to its logical conclusion. She submits that the petitioner in the present writ petition has not prayed for any direction requiring the recruitment process initiated in pursuance to the advertisement dated 01.01.2016 to be taken to its logical conclusion.

5.1 Ms. U Sarma, further submits that no selection having been held in pursuance to the advertisement dated 01.01.2016 and a fresh guidelines having been issued for recruitment against the posts of Anganwadi Worker and Anganwadi Helper, it was mandated that a fresh advertisement be issued, complying with the fresh guidelines, coming into force. Accordingly, she submits that the advertisement dated 08.02.2019 came to be issued.

5.2 Ms. U Sarma, learned Government Advocate by highlighting that the challenge in the present writ petition being only to the advertisement dated 08.02.2019, submits that the advertisement dated 08.02.2019, was issued incorporating the eligibility criterias coming into force, in the matter, in terms of the Notification dated 25.01.2019. She further submits that no selection process was initiated and the entire selection process was kept in abeyance by the Project Level Selection Committee, vide a decision arrived at in its meeting held on 25.02.2019. She further submits that the recruitment process as initiated on 08.02.2019, having not been taken to its logical conclusion, many fresh

candidates having now become eligible for being considered for engagement against the post in question, the said recruitment process as initiated vide advertisement dated 08.02.2019, would also not be mandate to be directed to be taken to its logical conclusion. Accordingly, she submits that the present writ petition would mandate to be dismissed.

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

7. The facts, noticed hereinabove, are not in dispute.

8. The learned counsel for the petitioner, during his submission, had submitted that this Court would be pleased to direct the respondent authorities to take the recruitment exercise as initiated in pursuance to the advertisement dated 22.07.2013, to its logical conclusion.

9. This Court for the purpose of examining the said prayer of the petitioner, has perused the materials available on record. This Court finds that the petitioner's representation disputing the residential status of the said Lilima Begum Mazumdar, having not been considered, had approached this Court by way of instituting a writ petition, being WP(C) No. 6478/2013. This Court vide order dated 11.11.2013, had disposed of the said writ petition, requiring the jurisdictional Deputy Commissioner, to consider the representation as submitted in the matter by the petitioner and to pass an appropriate order in the matter. The said representation having not been considered, the petitioner had instituted a contempt proceeding, being Cont. Cas(C) No. 199/2015. However, during the pendency of the said contempt proceedings, the jurisdictional Deputy Commissioner, vide order dated 08.09.2015, proceeded to consider and dispose

of the representation preferred by the petitioner, by holding that said Lilima Begum Mazumdar was found to be not a resident within the coverage area of the Anganwadi Center in question.

10. Having drawn the said conclusions, the Deputy Commissioner proceeded to direct the jurisdictional Child Development Project Officer, to take necessary steps in consultation with the Project Level Selection Committee to take the matter forward.

11. This Court, thereafter, considered the contempt case, being Cont. Cas(C) No. 199/2015, filed by the petitioner and vide order dated 23.11.2015, noticing the findings recorded by the jurisdictional Deputy Commissioner in his order dated 08.09.2015, proceeded to dispose of the said contempt petition, holding that the directions, violation of which was alleged therein, stood complied with, with a further observation that the jurisdictional Child Development Project Officer shall now take consequential steps on the basis of the findings recorded by the Deputy Commissioner in the said order dated 08.09.2015. Thereafter, on a fresh advertisement dated 01.01.2016, having been published initiating a process of recruitment to the post of Anganwadi Worker in the said Anganwadi Center, the petitioner assailed the same by way of instituting WP(C) No. 287/2016. However, the petitioner did not proceed with the said challenge and prayed before this Court for permission to withdraw the said writ petition, with a further prayer to allow her to participate in the selection process as per the impugned advertisement dated 01.01.2016.

12. This Court vide order dated 03.06.2016 allowed the prayer of the petitioner. The observations made by this Court vide order dated 03.06.2016, being relevant, is extracted hereinbelow:

“Mr. AM Barbhuiya, learned counsel for the petitioner prays that he may be allowed to withdraw this writ petition with a liberty to file afresh. He also prays that the petitioner should be allowed to participate in the selection process as per the impugned advertisement dated 1.1.2016 in view of the fact that the petitioner had allegedly submitted an application in pursuance to the said advertisement on 14.1.2016, as produced by Mr. BK Sarma, learned standing counsel, Social Welfare Department. The prayer of the petitioner is allowed.

The writ petition is disposed of as withdrawn with liberty to file a fresh case, if so advised. The petitioner should also be allowed to participate in the selection process. Interim order passed earlier stands vacated.”

13. A perusal of the said observations would reveal that the petitioner had given up her grievance with regard to the recruitment process initiated vide advertisement dated 22.07.2013, not being taken to its logical conclusion and had limited her grievance to the recruitment process that has now been initiated vide advertisement dated 01.01.2016.

14. Accordingly, in view of the observations as contained in the order dated 03.06.2016, this Court is of the considered view that it is not permissible to the petitioner to further pray for taking the recruitment exercise as initiated vide advertisement dated 22.07.2013, to its logical conclusion.

15. Having drawn the said conclusion with regard to the advertisement dated 22.07.2013, this Court would now further examine the advertisement dated 01.01.2016. This Court from the records finds that no selection process was initiated after the issuance of the advertisement dated 01.01.2016. Thereafter, the respondent authorities had vide a Notification dated 25.01.2019, revised the eligibility criteria for engagement of Anganwadi Worker. The earlier guidelines holding the field, prior to 25.01.2019, had mandated an intending candidate to

possess a Matriculation qualification for being eligible for applying against the post of Anganwadi Worker. However, vide Notification dated 25.01.2019, the said qualification was amended and it was now mandated that an intending candidate for recruitment against the post of Anganwadi Worker in Anganwadi Center and/or in a Mini Anganwadi Center, should have acquired the qualification of Higher Secondary pass, from the Assam Higher Secondary Education Council or an equivalent qualification from a Board/Council, recognized by the Government of Assam. The selection process in pursuance to the advertisement dated 01.01.2016, having not been taken to its logical conclusion, this Court is of the considered view that with the coming into force of the fresh guidelines, in pursuance to the issuance of the Notification dated 25.01.2019, the respondent authorities had not committed any error in issuing the advertisement dated 08.02.2019 and therein, incorporating the revised eligibility criterias, coming into force, in terms of the said Notification dated 25.01.2019.

16. From the materials brought on record, this Court finds that in pursuance to the issuance of the advertisement dated 08.02.2019, the matter, on being placed before the Project Level Selection Committee, the Committee had kept the said recruitment exercise initiated vide advertisement dated 08.02.2019 in abeyance.

17. It is brought on record by Ms. U Sarma, learned Government Advocate that till date, no selection process was initiated in pursuance to the advertisement dated 08.02.2019.

18. Considering the fact that for a long period of time has lapsed, after the issuance of the advertisement dated 08.02.2019, no selection process, having

been initiated in pursuance, thereof, and appreciating the fact that there would be now many candidates, who have attained the eligibility criteria for recruitment against a post of Anganwadi Worker within the coverage area of the Anganwadi Center in question and/or the Revenue Village, wherein, the said Anganwadi Center is so situated, as the case may be, this Court finds that it would be mandated that a fresh recruitment process is initiated in the matter so as to afford an opportunity of participation therein, to the candidates, who had acquired the recruitment eligibility criterias after 08.02.2019.

19. In view of the above discussions, the advertisement dated 08.02.2019 is set aside. The respondent authorities are directed to initiate a process of recruitment for engagement of Anganwadi Worker, against the Anganwadi Center in question, by strictly following the procedure mandated for such recruitment and by prescribing the eligibility criterias, in accordance with the guidelines currently holding the field.

20. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant