

GAHC010177792015



2026:GAU-AS:4055

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

Case No. : WP(C)/2041/2015

MISS GANITA PEGU
W/O SHRI RAJIV DOLEY R/O VILL- UTTAR DADABARI P.O. KEKURIPAMUA
MIRI P.S. DHAKUAKHANA DIST. LAKHIMPUR
ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECRETRARY TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
BALBHAWAN
UZAN BAZAR
GUWAHATI- 781001.

3:THE DISTRICT SOCIAL WELFARE OFFICER

LAKHIMPUR
P.O. LAKHIMPUR DIST.LAKHIMPUR
ASSAM
PIN - 7870015.

4:THE CHILD DEVELOPMENT PROJECT OFFICER

DHAKUAKHANA ICDS PROJECT
P.O. DHAKUAKHANA
DIST. LAKHIMPUR

PIN- 787055.

5:CIRCLE OFFICER CUM CHAIRMAN
SELECTION COMMITTEE
DHAKUAKHANA REVENUE CIRCLE
P.O. DHAKUAKHANA DIST.LAKHIMPUR
ASSAM
PIN - 787055.

6:SMTI. TORUJYOTI DOLEY PEGU
W/O SHRI PRODIP PEGU R/O VILL- KEKURI DADABARI P.O. KEKURI
DHAKUAKHAN DIST. LAKHIMPUR
ASSAM. PIN - 787055.

7:SMTI. JYOTI KUTUM PEGU
W/O SHRI UMESWAR PEGU R/O VILL- KEKURI DADABARI P.O. KEKURI
DHAKUAKHANA DIST. LAKHIMPUR
ASSAM
PIN - 787055.

8:SMTI. PUSPALATA DOLEY PEGU
W/O SHRI ANANDA PEGU R/O VILL- KEKURI DADABARI P.O.
KEKURIPAMUA MIRI P.S. DHAKUAKHANA DIST. LAKHIMPUR
ASSAM. PIN - 787055.

Advocate for : MSL BARUAH
Advocate for : MRH I CHOUDHURYR-6and8 appearing for THE STATE OF ASSAM
AND 7 ORS

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

17/03/2026

Heard Ms. M Borah, learned counsel for the petitioner. Also heard Ms. S Baruah, learned Government Advocate, appearing for the respondent Nos. 1 to 5 and Mr. H I Choudhury, learned counsel, appearing for the respondent Nos. 6 & 7. None has appeared for the respondent No. 8.

2. The petitioner in the present writ petition has assailed an order dated 11.09.2014 issued by the Director of Social Welfare, Assam, directing for cancellation of the engagement of the petitioner, herein, as Anganwadi Helper in Uttar Dadabari Anganwadi Center. The petitioner has also assailed the consequential order passed by the Child Development Project Officer, Dhakuakhana ICDS Project, cancelling the engagement of the petitioner as Anganwadi Helper.

3. The facts requisite for adjudication of the issues arising in the present writ petition, is noticed as under.

In pursuance to an advertisement dated 07.09.2009 issued by the jurisdictional Child Development Project Officer, Dhakuakhana, inviting applications for engagement as Anganwadi Worker and Anganwadi Helper in various Anganwadi Centers under Dhakuakhana ICDS Project, the petitioner, herein, submitted an application for engagement as an Anganwadi Helper in Uttar Dadabari Anganwadi Center.

It is projected in the writ petition that a selection was held in the matter and the petitioner had duly participated, therein. It is also projected that after the conclusion of the selection process, a select list was published by the jurisdictional Child Development Project Officer and therein, the name of the petitioner, herein, figured as the selected candidate for the post of Anganwadi Helper against Uttar Dadabari Anganwadi Center.

It is further projected that a dispute was raised with regard to the residential status of the petitioner along with others. Accordingly, a verification was conducted and therein, the petitioner was found to be a resident within the

coverage area of the Anganwadi Center in question. The petitioner further projects that basing on the said verification report, she was engaged as an Anganwadi Helper vide an order dated 03.04.2013. The other applicants in the selection, against whom a dispute was also raised with regard to their place of residence and in the verification report, they being found to be residing outside the coverage area of the Anganwadi Center, had instituted a writ petition, being WP(C) No. 4205/2011. The respondent No. 6 was also a petitioner in the said writ petition.

A Co-ordinate Bench of this Court vide order dated 29.11.2012, proceeded to dispose of the said writ petition, directing the respondent authorities to examine the grievance of the petitioners, therein, by conducting an independent enquiry into the residential status of the petitioners, including the respondent No. 6, herein and to decide their claims basing on such examination. It was further stipulated that if the claim of the petitioners, therein, were found to be correct, the Director would pass consequential orders, as may be mandated.

It is projected that in pursuance to the said directions passed by this Court vide order dated 29.11.2012, a verification process was carried out and a hearing was held in the matter by the Director of Social Welfare, Assam. On conclusion of the said hearing, it was found that the petitioner, herein, had wrongly projected the name of her husband as "Rajib Pegu", whereas, in the documents produced by the petitioner, her husband's name was reflected as "Monoranj Chinte". Accordingly, the Director of Social Welfare, Assam vide order dated 11.09.2014, proceeded to direct for cancellation of the appointment of the petitioner and for engagement of the respondent No. 6 as an Anganwadi Helper in the Anganwadi Center in question, in place of the petitioner, herein.

Accordingly, in terms of the directions passed by the Director of Social Welfare, Assam, vide the said order dated 11.09.2014, the Child Development Project Officer, Dhakuakhana ICDS Project, proceeded to cancel the appointment of the petitioner vide issuance of an order dated 30.10.2014.

Being aggrieved, the petitioner has instituted the present writ petition.

4. Ms. M Borah, learned counsel for the petitioner, by reiterating the facts as noticed, hereinabove, has submitted that the name of the husband of the petitioner is "Rajib Doley" and the same is evident from the Voter Card of the petitioner brought on record. She submits that on account of a misrepresentation made before the authorities, the Director of Social Welfare, Assam, vide an order dated 11.09.2014 proceeded to direct for cancellation of the engagement of the petitioner as an Anganwadi Helper in the Anganwadi Center in question. However, she having not suppressed any material fact while applying for the said post, the order of the Director of Social Welfare, Assam dated 11.09.2014 and the consequential order dated 30.10.2014 would mandate an interference by this Court.

5. Per contra, Ms. S Baruah, learned Government Advocate, for the State respondents, has submitted that the documents considered in the enquiry held in pursuance to the directions passed by this Court vide order dated 29.11.2012 had revealed that the name of the husband of the petitioner is not "Rajib Doley" and the actual name of her husband is "Monoranjan Chinte", who is a resident of Village-Sumoni Medok, i.e., an area outside the coverage area of the Anganwadi Center in question and accordingly, the petitioner not being found to be residing within the coverage area of the Anganwadi Center in question, the engagement of the petitioner came to be cancelled and the respondent No. 6

now being found to be a resident within the coverage area of the Anganwadi Center in question, the respondent No. 6 was appointed in place of the petitioner, after termination of her services.

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

7. In pursuance to the advertisement dated 07.09.2009, a selection was held for the posts of Anganwadi Helper and Anganwadi Worker of various Anganwadi Centers under Dhakuakhana ICDS Project.

8. The petitioner, herein, had applied for recruitment as an Anganwadi Helper in Uttar Dadabari Anganwadi Center. A dispute had arisen with regard to the residential status of the petitioner and as to whether she was residing within the coverage area of the Anganwadi Center in question. However, on a verification of the same by the Circle Officer, Dhakuakhana Revenue Circle, the petitioner was found to be residing within the Anganwadi Center in question and accordingly, the petitioner, herein, came to be engaged as an Anganwadi Helper in Uttar Dadabari Anganwadi Center vide issuance of an order dated 03.04.2013. The respondent No. 6, herein, being aggrieved by her exclusion from the selection process in view of the allegation leveled that she was a resident outside the coverage area of the Anganwadi Center in question, along with two others had instituted WP(C) No. 4205/2011, before this Court.

9. This Court vide order dated 29.11.2012 proceeded to dispose of the said writ petition, directing the Director of Social Welfare, Assam, to examine the grievance of the petitioners, therein, by conducting an independent enquiry into their residential status and to decide their claims basing on such examination.

The said enquiry being done, a hearing was scheduled in the matter by the Director of Social Welfare, Assam and the petitioner duly participated, therein.

10. The Director of Social Welfare, Assam, basing on the materials coming on record in the hearing held, proceeded vide order dated 11.09.2014, insofar as, the petitioner, herein, is concerned, to hold that the petitioner had projected the name of her husband as "Rajib Pegu", however, no authentic document was produced in support of her such claim. The Director of Social Welfare, Assam found that the certificates issued in favour of the petitioner by the Ward Member of Kathalguri Dangdhara G.P., as well as the certificate issued by the Principal, N.C.D. College, Gogamukh, revealed that the name of the husband of the petitioner was "Monoranjana Chinte". Further, the report of the Deputy Commissioner, brought on record in the matter, also revealed that the respondent No. 6, herein, was a resident within the Anganwadi Center in question.

11. Basing on the said materials coming on record, the Director of Social Welfare, Assam proceeded to hold that the respondent No. 6, herein, was eligible for being appointed as an Anganwadi Helper in the Anganwadi Center in question and directed that the petitioner was ineligible for such appointment. Accordingly, directions came to be issued to the Child Development Project Officer, Dhakuakhana ICDS Project to cancel the engagement of the petitioner, herein. In terms of the directions passed by the Director of Social Welfare, Assam vide order dated 11.09.2014, the Child Development Project Officer, Dhakuakhana proceeded to cancel the appointment of the petitioner vide an order dated 30.10.2014.

12. The respondents had filed an affidavit in the matter and therein, had

disclosed the materials coming on record in the enquiry held pursuant to the order dated 29.11.2012 passed by this Court in WP(C) No. 4205/2011.

13. A perusal of the materials as brought on record vide the said affidavit would reveal that the Deputy Commissioner, Lakhimpur vide a communication dated 30.04.2013, had informed the Director of Social Welfare, Assam that the Lot Gaonburha had issued false residential certificates to the petitioner and one another projecting them to be residents within the coverage area of the Anganwadi Centre in question. Further, the residential certificates were also brought on record and therein, the name of the husband of the petitioner was reflected as "Monoranjan Chinte".

14. On a perusal of the said materials, it is apparent that the petitioner had wrongly projected "Rajib Pegu (Doley)" as her husband and accordingly, the petitioner was found to be residing within the coverage area of the Anganwadi Center in question. However, the materials coming on record in the enquiry having revealed that the actual name of the husband of the petitioner to be "Monoranjan Chinte" and he having been found to be a resident of Village-Sumoni Medok, which admittedly fell outside the coverage area of the Anganwadi Center in question, the petitioner was held to be ineligible for appointment as an Anganwadi Helper in Uttar Dadabari Anganwadi Center.

15. It is to be noted that the contentions made in the affidavit filed by the Director of Social Welfare, Assam and the documents brought therein, has not been disputed by the petitioner by way of filing a rejoinder, thereto.

16. Accordingly, this Court is of the considered view that the projections made in the affidavit-in-opposition filed by the respondent No. 2, herein, would

mandate an acceptance and accordingly, basing thereon, it is found that the petitioner admittedly was ineligible for being engaged as an Anganwadi Helper in Uttar Dadabari Anganwadi Center. Accordingly, the directions issued by the Director of Social Welfare, Assam for cancellation of the engagement of the petitioner as an Anganwadi Helper in the said Anganwadi Center vide order dated 11.09.2014 and the consequential order dated 30.10.2014 issued by the Child Development Project Officer, Dhakuakhana ICDS Project, cancelling her such engagement in the considered view of this Court would not mandate an interference.

17. Accordingly, for the reasons noticed hereinabove, the present writ petition is held to be devoid of any merit and consequently, the same stands dismissed. However, there would be no order as to cost.

JUDGE

Comparing Assistant