

GAHC010175202025



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

Case No. : WP(C)/4458/2025

BIJAYA BORUAH AND 37 ORS
W/O SRI KUMUD BORUAH
RESIDENT OF VILL- CHATRANG GURI, P.O. GOHPUR, P.S. GOHPUR, DIST.
BISWANATH, ASSAM, PIN- 784168

2: JYOTI BARIK
D/O LATE MONESWAR BARIK
R/O VILL- BARANI PATHAR
P.O. GHAHI GAON
DIST. BISWANATH
ASSAM
PIN-784170

3: RUNU GOGOI
D/O LATE BHOGMAN GOGOI
R/O VILL- HALEM GURI (AMTOLA GAON)
P.O. HALEM GURI

DIST. BISWANATH
ASSAM
PIN-784172

4: BOBITA SAIKIA
W/O RAJU KUMAR BORAH
RESIDENT OF VILL- GARAMUR KUMAR GAON

P.O. J.E.C.
DIST. JORHAT
ASSAM
PIN- 785007

5: IRA DAS
W/O JANMEJAY DAS
RESIDENT OF VILL- PANJABI BOSTI

P.O. LANKA
P.S. LANKA
DIST. HOJAI
ASSAM

PIN-782442.

6: RUPALI KALITA
W/O KALPA RAM KALITA
RESIDENT OF SANTIPUR WARD NO. 7
P.O. NALBARI
DIST. NALBARI
ASSAM
PIN-781335.

7: RITA PEGU
D/O LATE BALAI PEGU
RESIDENT OF VILL- BORPATHAR
P.O. JENGRAIMUKH
P.S. JENGRAIMUKH
DIST. MAJULI
ASSAM
PIN-785105

8: PUSPA BORA
D/O LATE PHANIDHAR BORA
R/O VILL- RONGDOIKHAT
P.O. TITABAR
P.S. TITABAR
DIST. JORHAT
ASSAM
PIN- 785630

9: BHANUMATI KALITA
D/O LAKSHI KANTA KALITA
R/O VILL- SIALMARI
P.O. SIALMARI
P.S. TIHU
DIST. NALBARI
ASSAM
PIN- 781371

10: JANMONI DEVI
W/O RAMESH SHARMA
RESIDENT OF VILL- RAJAGARH
P.O. RUPAI SIDING
DIST. TINSUKIA
ASSAM

PIN- 786153

11: SUMITRA CHUTIA
W/O MOHENDRA SAIKIA
RESIDENT OF VILL- BORBAMCHUNGI GAON

P.O. CHUNGI
DIST. JORHAT
ASSAM

PIN-785616

12: AZEDA KHATUN
W/O BASER UDDIN
RESIDENT OF VILL- KHANDARKUR
P.O. JARABARI
DIST. BARPETA
ASSAM
PIN-781314.

13: PORI RABHA GOGOI
WIFE OF LATE HITESH GOGOI
RESIDENT OF VILL- KACHARI PATHAR
P.O. KACHARI PATHAR
DIST. DIBRUGARH
ASSAM
PIN- 786602

14: ADITY HAZARIKA
W/O ARUN HAZARIKA
R/O VILL- GOZPURIA GAON

P.O. JALUKONIBARI
DIST. JORHAT
ASSAM

PIN- 785630

15: AYESHA BEGUM CHOWDHURY
W/O JAMAL UDDIN AHMED
RESIDING OF VILL- PADUM PUKHURI
P.O. KAPASHBARI
DIST. HOJAI
ASSAM
PIN-782445

16: MAMONI DUTTA
W/O NILAKANTA DUTTA

R/O VILL- GHORONIA TEA ESTATE

P.O. LEPETKATA
DIST. DIBRUGARH
ASSAM
PIN- 786007.

17: RUJENA BEGUM
W/O ATIQUL ISLAM
R/O VILL- NO. 1 DHARMAPUR
P.O. DHARMAPUR
DIST. LAKHIMPUR
ASSAM
PIN-784160

18: JONMONI BORUAH
W/O BIREN HAZARIKA
R/O VILL- GARUMURIA GAON
P.O. MOIDUMIA

DIST. LAKHIMPUR
ASSAM
PIN-787001.

19: NALINI BORA
D/O LATE NANDESWAR BORA
R/O VILL- KATHKATIA BHAKAT GAON
P.O. JAMUNAMUKH
DIST. NAGAON
ASSAM
PIN- 782428

20: RAMELA TERONPI
W/O DHIREN HANSE
RESIDENT OF VILL- BORCHUNG
P.O. DAKHIN CHANG CHAKI
DIST. NAGAON
ASSAM
PIN-782426

21: PURABI DAS
D/O LATE AKSHAY KUMAR DAS
RESIDENT OF VILL- SHINGRA
P.O. GARARTARI
P.O. SARTHEBARI
DIST. BARPETA
ASSAM
PIN- 781311

22: JURI HAZARIKA
WIFE OF SIMANTA DAS
RESIDENT OF VILL- GONOKPUKHURI HABIAL
P.O. GONOKPUKHURI
DIST. GOLAGHAT
ASSAM
PIN- 785622.

23: LATIKA SONOWAL
WIFE OF RANJIT KACHARI
R/O VILL- KANKHOWA GAON
P.O. BAHONI
DIST. JORHAT
ASSAM

PIN-785633.

24: RANJUMONI SAIKIA
W/O HEMKANTA KACHARI
RESIDENT OF VILL- TIPOMIA
P.O. TIPOMIA
DIST. JORHAT
ASSAM
PIN-785630

25: NAYANMONI SAIKIA
W/O BISTURAM GOGOI
RESIDENT OF VILL- CHAMOGURI
P.O. KHARIKALITA
DIST. JORHAT
ASSAM
PIN-785633.

26: KULAJYOTI KOWAR
WIFE OF BIPUL GOGOI
RESIDENT OF VILL- NAGAJURI GAON
P.O. SARUPATHAR
DIST. GOLAGHAT
ASSAM
PIN-785601.

27: KUNJA KUTUM
W/O NAREN PEGU
R/O VILL- KANGKAN CHAPARI
P.O. KANGKAN CHAPARI
DIST. LAKHIMPUR
ASSAM

PIN-787055.

28: BINAPANI SAIKIA KONWAR
WIFE OF PREMADHAR KONWAR
R/O VILL- KANHIKUCHI
P.O. KHALIHAMARI TINIALI
DIST. DHEMAJI
ASSAM
PIN-787053.

29: KABITA CHETRY
W/O KUL BAHADUR CHETRY
RESIDENT OF VILL- SABOTI CHAUKHAM
P.O. SABOTI
DIST. LAKHIMPUR
ASSAM PIN-787051

30: JYOTSHNA BORAH
W/O PRANJAL KUMAR CHUTIA
R/O VILL- DEWALIA GAO
P.O. DHKUAKHANA
DIST. LAKHIMPUR
ASSAM
PIN-787055.

31: RINJUMONI HAZARIKA
W/O RANA BORUAH
R/O DHAKUAKHANA BALI GAON
P.O. DHAKUAKHANA DIST. LAKHIMPUR
ASSAM
PIN-787055.

32: RUMI BEGUM
D/O LATE ATOWAR RAHMAN
R/O VILL- BARSHOLA
P.O. AMRIKHOWA
DIST. BARPETA
ASSAM
PIN-781307.

33: SARUJU KALITA
W/O LATE MRIDUL KALITA
R/O VILL- RANGIA TINIALI

P.O. RANGIA
DIST. KAMRUP
ASSAM
PIN- 781354.

34: AZIZA KHATUN
D/O LATE AZIZUR RAHMAN
R/O DOBOKA WARD NO. 10
P.O. DOBOKA
DIST. HOJAI
ASSAM
PIN-782440.

35: NIRU RAJBANSHI
W/O ANANDA BORA
RESIDENT OF VILL- 2 NO. PUSHPOBAN
P.O. KASHAMARI
DIST. GOLAGHAT
ASSAM

PIN- 785705.

36: REKHAMONI BORA
W/O ATUL BORUAH
RESIDENT OF VILL- MOSHAR DHONGA CHARIALI
P.O. KASHMARI
DIST. GOLAGHAT
ASSAM
PIN- 785705

37: RUPA SAIKIA
W/O HEMONTA KUMAR BORUAH
R/O VILL- BAGHMARI
P.O. KUTHORI
P.S. JAKHALABONDHA
DIST. NAGAON
ASSAM

PIN-782136.

38: FATEMA KHATUN
W/O NURUL ISLAM
RESIDENT OF VILL- LURFURIA
P.O. SITOLI
DIST. BARPETA
ASSAM
PIN-781308

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.

OF ASSAM, DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT,
ASSAM, DISPUR, GUWAHATI-06.

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
ASSAM
DISPUR
GUWAHATI-06.

3:THE DIRECTOR

WOMEN AND CHILD DEVELOPMENT
ASSAM

UZAN BAZAR
GUWAHATI-01

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 21-01-2026

Heard Mr. M. Ahmed, learned counsel for the petitioners. Also heard Mr. J.K.

Goswami, learned counsel representing for the State respondents.

2. The petitioners, by way of instituting the present proceeding, have prayed for a direction upon the respondent authorities for the following reliefs:

- I) *A writ in the nature of Mandamus should not be issued directing the respondent authorities to provide the benefit of a regular appointment to the petitioners from the date of their initial appointment as Supervisor, i.e., 06.02.2016.*
- II) *A writ in the nature of Mandamus and/or any other writ of like should not be issued directing the respondent authorities to provide all the consequential benefits, which the petitioners are entitled to,*

from the date of their initial appointment as Supervisor, i.e., 06.02.2016.

and/or cause or causes being shown, upon hearing parties, on perusal of the records be pleased to make the Rule absolute, and/or pass such further order/orders as Your Lordships may deem fit and proper.

3. As projected in the present proceeding, the petitioners were engaged as Anganwadi Worker in different Anganwadi Centres. The Central Government in the Ministry of Human Resource Development Department of Women and Child Development had issued a Notification dated 28.04.1985 to the different Integrated Child Development Projects operationalized in different States to reserve certain percentage of posts of supervisors, for being filled up by recruitment from amongst Anganwadi Workers who had the matriculation qualification and had put it a minimum of 10 years of service. The said provision with regard to recruitment of Anganwadi Workers against the post of Supervisors in the State of Assam was so notified only in the year 2012 vide issuance of a Notification dated 04.06.2012. However, it is projected that even after the issuance of said Notification dated 04.06.2012, no action was taken by the authorities for considering the cases of eligible Anganwadi Workers for recruitment against the post of Supervisors.

4. The Association representing the petitioners herein had approached this Court by way of filing a writ petition being W.P.(C) No. 4862 of 2015. This Court upon considering the issues arising in the said writ petition, and also by recording the submissions of the departmental counsel that the process for appointment of eligible Anganwadi Workers to the cadre of Supervisors, was under process and would be completed by 31.12.2015, proceeded to dispose of the writ petition by directing the State respondents to complete

the process involved.

5. It is projected that the petitioners on their selection for appointment against the posts of Supervisors were vide an order dated 06.02.2016, issued by the Director of Social Welfare Department, Assam, appointed as Supervisors, however, their such appointments were denoted to be contractual and for fixed period of 3 years. The petitioners were also only authorized a fixed pay on their recruitment against the post of Supervisors.

6. Being aggrieved, persons similarly situated like the petitioners approached this court by way of instituting a writ petition being ***WP(C) No. 7215/2018 (Ms. Bobby Deka & 16 Ors. Vs. The State of Assam)***.

7. A Coordinate Bench of this Court vide judgment and order dated 20.06.2022, on considering the issues arising in the said writ petition was pleased to allow the same. The Coordinate Bench of this Court in the said judgment and order dated 20.06.2022, noticed the fact that the petitioners, therein, were vide order dated 16.08.2021 given the benefits of regular appointment against the post of Supervisors. Accordingly, the Coordinate Bench of this Court was of the view that the benefits so extended vide order dated 16.08.2021, is to be given retrospective effect from the date of their initial appointments against the post of Supervisors effected on 06.02.2016. The Coordinate Bench of this Court, further proceeded to direct that the retrospective effect given to the order dated 16.08.2021 the salaries of the petitioners therein would have to be computed w.e.f. 06.02.2016, in the scale of pay authorized to the post of Supervisors and the arrears working out be paid to the petitioners therein. The operative portion of the said judgment and order dated

20.06.2022, being relevant, is extracted herein below:-

“15. The rival submissions of the learned counsel for the parties have been considered and the materials placed before this Court have been carefully examined. The issue which calls for a determination is whether the initial promotion of the petitioners to the post of Supervisors could have been made on a fixed pay and tenure and as to whether such promotion could have been treated as mere engagements. As a corollary, it is also to be decided that if the principal issue is held in favour of the petitioners, from which date the petitioners are to be held to be entitled to the benefits of a regular Supervisor.

16. To decide the aforesaid issue, it would be necessary to go back to the basis of filing the present case which is the communication dated 28.04.1995 of the Government of India. By the said communication, while the Government was considering increase in the honorarium and other benefits of Anganwadi Workers, a decision was already taken to reserve minimum 25% posts of Supervisors for selection from Anganwadi Workers who are Matriculates and having minimum 10 years of experience. Even assuming for arguments sake that the contents of the said communication is not a guideline as tried to be projected on behalf of the State, the subsequent notification by the State dated 04.06.2012 would be of vital importance as it is by this notification that 25% reserve quota was introduced. While doing so, the State Government did not even indicate that the mode of recruitment to the posts of Supervisors would have any cascading effect on the service conditions of the promotional posts of Supervisors. Further, what is more intriguing is that the notification was not given effect to for which the Association of Anganwadi Workers had to approach this Court by means of a writ petition being WP(C)/4862/2015 and it was only thereafter when the recruitment process was initiated. Though the case of Seimens (supra) was cited, the same may not have any direct relevance as by the subsequent order dated 16.08.2021 passed during the pendency of the present writ petition is not to the prejudice of the petitioners but is only a measure to redress their grievance, though partially.

17. It transpires that the recruitment process was initiated vide the communication dated 01.10.2015 wherein, the petitioners were amongst the successful Anganwadi Workers who were selected for promotion to the post of Supervisors. After going through the selection process and being promoted to the post of Supervisors, there was no reason as to how the petitioners could be deprived of substantive appointment and rather were given contractual appointment, that too for a fixed period and pay. There is no doubt that the cadre of Supervisor is one and the same and therefore, whether one is appointed directly in the 75% of the vacancies or promoted after selection from Anganwadi Worker in the reserved 25% quota cannot make any difference in their service conditions as Supervisors. Rather, this Court is of the opinion that the cadre of Supervisor is a homogeneous one where the mode of entry into the said cadre would be wholly irrelevant. On a specific query by this Court, it has been clarified that there is no

difference in the duties discharged by a directly recruited Supervisor or one who is promoted from Anganwadi Worker. Further, the recruitment process for Supervisors which was initiated by the communication dated 01.10.2015 was only to fill up 25% quota reserved for Anganwadi Workers and not for some other posts belonging to a different cadre. The learned State Counsel has also clarified that as on August, 2021, there were 924 nos. of Supervisors out of which 647 were directly recruited and in the year 2016, 277 nos. were promoted from the rank of Anganwadi Workers.

18. Though a frail argument was advanced on behalf of the State with regard to financial concurrence, this Court is of the opinion that the same cannot be a ground to deprive the legal entitlement of an incumbent who is inducted into the services by following the due process of law. Rather, it is the bounden duty of the Department to obtain prior approval from all the concerned Departments including the Finance Department before starting the recruitment process and such approval is assumed to have been obtained. Further, in the instant case, though the initial communication of the Government of India was of the year 1995, the Rules were amended only in the year 2012 and the recruitment process initiated in October, 2015 that too, after filing of a writ petition by the Association.

19. As would appear from the affidavit-in-opposition that finally vide orders dated 16.08.2021 (or of nearby dates) the petitioners have been given the benefit of a regular appointment, this Court is of the opinion that such benefits are to be given retrospective effect from the date of their initial appointment made on 06.02.2016. Such retrospective effect would also include the balance of the monthly salaries which is to be calculated in terms of scale which the petitioners would have been otherwise paid and the arrears be released to them accordingly. All other benefits including fitment in the appropriate scale of pay, seniority etc. are also directed to be given to the petitioners. The aforesaid direction is given in view of the fact that there is no dispute with regard to the nature of the service discharged by the petitioners as Supervisors and are part of the same cadre of Supervisors which also includes regular appointee in the rest 75% of the vacancies."

8. On a comparison of the service particulars of the petitioner in the present proceedings and the service particulars of the petitioners in the case of **Ms. Bobby Deka (Supra)**, it is found that both sets of petitioners were appointed, on their selection, as Supervisors on contractual basis w.e.f. 06.02.2016; and thereafter, they were so appointed on regular basis vide issuance of the order dated 16.08.2021 by the Director,

Social Welfare Assam. Accordingly, it is to be held that the decision of the Coordinate Bench of this Court in the case of ***Ms. Bobby Deka (Supra)*** shall also squarely apply to the case of the petitioners in the present proceeding and they would also be entitled to similar benefits. Accordingly, the regular appointments effected in case of the petitioners vide the order dated 16.08.2021 is required to be given a retrospective effect i.e., w.e.f. 06.02.2016. The petitioners would now be entitled to a regular scale of pay as authorized to the post of Supervisors w.e.f. 06.02.2016. Accordingly, the respondents shall compute the arrears of pay and allowances receivable by the petitioners w.e.f., 06.02.2016.

9. The arrear so working out shall be released to the petitioners within a period of 45 (forty-five) days from the date of receipt of the certified copy of this order. The arrears now receivable by the petitioners would be so released to them after deducting the remuneration so received by them w.e.f. 06.12.2016 on their appointment as Supervisors on contractual basis.

10. With the above observations and direction, the present writ petition stands allowed.

JUDGE

Comparing Assistant