

GAHC010177792015



2026:GAU-AS:4055

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

Case No. : WP(C)/4675/2015

MISS MINA KUMARI PEGU
D/O SHRI BOGLING PEGU, R/O KEKURI DADABARI, P.O. KEKURI PAMUA
MIRI, P.S. DHAKUAKHANA, DIST- LAKHIMPUR, PIN-787055, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY-6

2:THE DIRECTOR OF SOCIAL WELFARE
ASSAM
BALBHAWAN
UZANBAZAR
GHY-1

3:THE DISTRICT SOCIAL WELFARE OFFICER
LAKHIMPUR
P.O. and DIST- LAKHIMPUR
ASSAM
PIN-787015

4:THE CHILD DEVEL. PROJECT OFFICER
DHAKUAKHANA I.C.D.S. 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:PUSPALATA DOLEY PEGU
W/O SHRI ANANDA PEGU
R/O KEKURI DADABARI
P.O. KEKURI PAMUA
MIRI
P.S. DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM
PIN-787055

7:TORUJYOTI DOLEY PEGU
W/O SHRI PRODIP PEGU
R/O KEKURI DADABARI
P.O. KEKURI PAMUA
MIRI
P.S. DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM
PIN-787055

8:JYOTI KUTUM PEGU
W/O SHIR UMESWAR PEGU
R/O KEKURI DADABARI
P.O. KEKURI PAMUA
MIRI
P.S. DHAKUAKHANA
DIST- LAKHIMPUR
ASSAM
PIN-78705

Advocate for the Petitioner : MS.M BORAH, MS.A GOGOI,MS.J CHETRY,MSL
BARUAH,MR.B B BORAH

Advocate for the Respondent : MR.D K SARMAHR-6and7, MR.G UDDIN(R-6&7),MRH I
CHOUDHURY(R-6&7),MS.A TALUKDAR(R-6&7),MS.M BURAGOHAIN(R-6&7),SC, SOCIAL
WELFARE,MR.B K SARMA

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 challenged to an order dated 30.10.2014 issued by the Child Development Project Officer, Dhakuakhana ICDS Project, i.e., respondent No. 4, herein, terminating her services as an Anganwadi Worker in 117 No. Kekuri Dadabari Anganwadi Center, w.e.f. 31.10.2014.

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, 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 Worker in 117 No. Kekuri 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 Anganwadi Worker against 117 No. Kekuri Dadabari Anganwadi Center.

It is further projected that in pursuance to her selection, the petitioner came to be engaged temporarily as Anganwadi Worker in 117 No. Kekuri Dadabari Anganwadi Center and she in pursuance to the said engagement, joined her services. While the petitioner was

serving in such capacity in terms of the order dated 03.04.2013, the petitioner received an order dated 30.10.2014, by which her engagement as an Anganwadi Worker in the said Anganwadi Center was cancelled, w.e.f. 31.10.2014. On enquiry being made by the petitioner, the petitioner came to gather that three candidates, who had submitted their respective applications for the posts of Anganwadi Worker and Anganwadi Helper in pursuance to the advertisement dated 07.09.2009, had instituted a writ petition before this Court, being WP(C) No. 4205/2011.

A Co-ordinate Bench of this Court vide order dated 29.11.2012, proceeded to dispose of the said writ petition, requiring the Director of Social Welfare, Assam to examine the grievance of the petitioners, therein, if required by conducting an independent enquiry into the residential status of the petitioners and based on such examination, to decide the claim of the petitioners for appointment against the posts, which they had so applied. It was further provided that if the claim of the petitioners of being residents within the Anganwadi Center concerned is found to be correct, the Director was directed to pass consequential orders after giving opportunity to the private respondents impleaded in the said writ petition.

It is to be noted that the petitioners in WP(C) No. 4205/2011, had raised a grievance with regard to the exclusion of their candidature from the selection process initiated in pursuance to the advertisement dated 07.09.2009, on the ground that the petitioners were not found to be residents within the coverage area of the Anganwadi Center, in question.

The petitioner further projects that in pursuance to the directions passed by this Court in WP(C) No. 4205/2011, necessary enquiries were carried out in the matter and thereafter, the Director of Social Welfare, Assam vide an order dated 11.09.2014, proceeded to hold that the respondent No. 6, herein, was a resident within the coverage area of 117 No. Kekuri Dadabari Anganwadi Center and accordingly, directions came to be issued for her engagement.

The petitioner projects that it is on account of the said developments taking place in the matter that the respondent authorities proceeded to issue the impugned order dated 30.10.2014. The petitioner also projects that neither in the proceedings of WP(C) No.

4205/2011 nor in the enquiry process held which led to the passing of the order dated 11.09.2014, the petitioner was in any manner included and the entire action against her was so taken behind her back.

Being aggrieved, the petitioner has instituted the present proceedings.

4. Ms. M Borah, learned counsel for the petitioner, by reiterating the facts noticed, hereinabove, has submitted that the process of selection as held in pursuance to the advertisement dated 07.09.2009 was concluded with the publication of a select list on 21.03.2013 and thereafter, the petitioner being a selected candidate for the posts of Anganwadi Worker/Helper in 117 No. Kekuri Dadabari Anganwadi Center, was engaged in such capacity vide an order dated 03.04.2013, passed by the jurisdictional Child Development Project Officer. She submits that the petitioner, while continuing in her services had received the impugned order dated 30.10.2014, terminating her services. She submits that the termination of the services of the petitioner was not preceded with issuance of any notice to her and accordingly, she was denied an opportunity to place her case before the authorities in the matter. She submits that the petitioner was also deprived of an opportunity to have her stand placed on record with regard to the residential status of the respondent No. 6, herein.

In the above premises, Ms. M Borah, learned counsel for the petitioner submits that the impugned order dated 30.10.2014, would mandate an interference, with a further direction to the respondent authorities to also interfere with the consequential appointment effected in respect of the respondent No. 6, herein. Ms. Borah, further prays that the petitioner be directed to continue in her engagement as an Anganwadi Worker in terms of the office order dated 03.04.2013.

5. Ms. S Baruah, learned Government Advocate, appearing for the State respondents, by referring to the affidavit filed in the matter by the Circle Officer, Dhakuakhana Revenue Circle, submits that in the selection process that was held in pursuance to the advertisement dated 07.09.2009, the petitioner was placed at Sl. No. 3 on merits. The candidates placed above the petitioner, including the respondent No. 6, herein, were not considered for appointment as it was held that they belonged to an area behind the survey area of the Anganwadi Center in

question.

Ms. Baruah, learned Government Advocate submits that the exclusion of the said selected candidates, including the respondent No. 6, herein, being challenged before this Court in the proceedings of WP(C) No. 4205/2011. In terms of the directions passed by this Court vide order dated 29.11.2012, an enquiry was carried out in the matter and therein, it was found that the respondent No. 6 was a resident within the coverage area of the Anganwadi Center in question and accordingly, her right to be engaged as an Anganwadi Worker was established.

Ms. S Baruah, learned Government Advocate submits that the respondent No. 6, being placed above the petitioner, on merits, in the connected selection process, on a determination being made with regard to her residential status, she being now eligible to be engaged as the Anganwadi worker, the respondent authorities proceeded to issue the order dated 30.10.2014, terminating the engagement of the petitioner, herein. She submits that in pursuance to the termination of the engagement of the petitioner, herein, the respondent No. 6 was appointed as an Anganwadi Worker in terms of the merit position obtained by her in the connected selection process.

In the above premises, Ms. Baruah submits that there is no irregularity committed by the respondent authorities in the matter and accordingly, the cancellation of the engagement of the petitioner vide order dated 30.10.2014 would not mandate an interference from this Court.

6. Mr. H I Choudhury, learned counsel, appearing for the respondent Nos. 6 & 7 adopts the arguments advanced by Ms. S Baruah, learned Government Advocate and submits that the residential status of the respondent No. 6, being determined by the respondent authorities, the respondent authorities proceeded vide an office order dated 31.10.2014, to engage her as an Anganwadi Worker of the Anganwadi Center in question. He submits that the respondent No. 6, w.e.f. the date she had joined her services in pursuance to the order dated 31.10.2014 is continuing there till date. Accordingly, he submits that in view of the facts and circumstances involved in the matter, the engagement of the respondent No.6 as an

Anganwadi Worker of the Anganwadi Center in question, would not mandate an interference from this Court.

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

8. The facts, as noticed hereinabove, are not in dispute.

9. The respondent authorities have projected that the petitioner was placed at Sl. No. 3 in the selection process as held in pursuance to the advertisement dated 07.09.2009 for the post of Anganwadi Worker in 117 No. Kekuri Dadabari Anganwadi Center. The respondent No. 6, herein, was placed above the petitioner. However, on an account of the fact that the residential status of the respondent No. 6 was disputed, the respondent No. 6 was excluded from the selection process and the petitioner, herein, came to be engaged as an Anganwadi Worker against the Anganwadi Center in question, vide issuance of an order dated 03.04.2013.

10. As noticed hereinabove, the exclusion of the respondent No. 6 from the purview of the selection process was assailed by her along with two others by way of instituting a writ petition, being WP(C) No. 4205/2011. In terms of the directions passed by a Co-ordinate Bench of this Court vide order dated 29.11.2012, while disposing of the said writ petition, the respondent authorities proceeded to conduct an enquiry in the matter. On receipt of the reports from the authorities of the District Administration pertaining to the residential status of the respondent No. 6, herein, the Director of Social Welfare, Assam proceeded vide order dated 11.09.2014, to hold that the respondent No. 6, herein, was a resident within the coverage area of 117 No. Kekuri Dadabari Anganwadi Center. The residential status of the respondent No. 6, now being answered in her favour and she being found to be a resident within the coverage area of the Anganwadi Center in question, the merit position as obtained by the respondent No. 6 in the connected selection process got a revived. The authorities having found the respondent No. 6, to be placed above the petitioner in order of merit in the selection process so held, proceeded vide an order dated 30.10.2014, to cancel the engagement made in favour of the petitioner earlier vide an order dated 03.04.2013 as

Anganwadi Worker of the Anganwadi Center in question.

11. The engagement of the petitioner having been cancelled, the respondent authorities proceeded to appoint the respondent No. 6 as an Anganwadi Worker of the Anganwadi Center in question, vide order dated 31.10.2014. What is noticed by this Court in the present proceeding is that while the respondents have made categorical statements with regard to the merit position obtained by the petitioner and the respondent No. 6 in the connected selection process, the petitioner in the present proceedings has not disputed the said position. Further, the conclusions drawn by the Director of Social Welfare, Assam with regard to the residential status of the respondent No. 6 is also not found to have been disputed by the petitioner in the present writ petition.

12. In view of the above discussion, this Court finds that the engagement of the respondent No. 6, herein, being on the basis of her merit obtained in the selection process and she being placed on merits above the petitioner, herein, the cancellation of the engagement of the petitioner vide the impugned order dated 30.10.2014, in the considered view of this Court would not mandate an interference.

13. Accordingly, the consequential engagement of the respondent No. 6 effected vide order dated 31.10.2014, in the considered view of this Court would also not mandate any interference.

14. In view of the above, the present writ petition is held to be devoid of any merit and accordingly, the same stands dismissed. However, there would be no order as to cost.

JUDGE

Comparing Assistant