

GAHC010179262022



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

Case No. : WP(C)/5870/2022

HASIMA BEGUM @ HASIMA BIBI
W/O- SHAHIDUR RAHMAN, R/O- VILL- NOWERBHITA, P.O. AND P.S.
KOKRAJHAR, DIST.- KOKRAJHAR, BTAD, ASSAM, PIN- 783346

VERSUS

THE STATE OF ASSAM AND 11 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, GHY-06

2:THE DIRECTOR OF SOCIAL WELFARE DEPTT.
ASSAM
UZANBAZAR
GHY-01

3:THE JOINT DIRECTOR-CUM-CHD
SOCIAL WELFARE DEPTT.
BTC
KOKRAJHAR

4:THE PROGRAMME OFFICER
DIVISIONAL ICDS CELL
KOKRAJHAR

5:THE DIRECTOR
SOCIAL WELFARE OFFICER
KOKRAJHAR

6:THE DY. COMMISSIONER
KOKRAJHAR
ASSAM

7:THE SELECTION COMMITTEE FOR SELECTION OF ANGANWADI
WORKER (MINI) AND HELPER FOR DOTMA ICDS
PROJECT REP. BY ITS CHAIRMAN
BTC (BTAD)
P.O.
P.S. AND DIST.- KOKRAJHAR
ASSAM

8:THE CHILD DEVELOPMENT PROJECT OFFICER
DOTMA ICDS PROJECT
P.O.
P.S. AND DIST.- KOKRAJHAR
BTAD
ASSAM

9:MD. USMAN GANI SK.
(MEMBER OF SELECTION COMMITTEE OF DOTMA ICDS PROJECT
DOTMA)
S/O- LT. BASIR SK.
R/O- VILL- HEKAIPARA
P.O. AND P.S. KOKRAJHAR
DIST.- KOKRAJHAR
BTAD
ASSAM
PIN- 783370

10:THE PRINCIPAL
SHAKTI ASHRAM HIGHER SECONDARY AND VOC SCHOOL
P.O. SHAKTI ASHRAM
P.S. KOKRAJHAR
DIST.- KOKRAJHAR
ASSAM

11:THE HEADMASTER
MOWAMARI M.E. SCHOOL
VILL- MOWAMARI
P.O. KAMAL SING
P.S. GOSSAIGAON
DIST.- KOKRAJHAR
BTAD
ASSAM

12:SAHINUR BIBI
W/O- AFJUDDIN SK
VILL- NOWERBHITA
P.O. AND P.S. DOTMA
DIST.- KOKRAJHAR
BTAD

ASSA

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

09.09.2022

1. Heard Mr. M.U. Mondal, learned counsel for the petitioner, who submits that the petitioner and the respondent no.12 had participated in the selection process for appointment of Anganwadi Worker in respect of 35 No. Palashguri (Muslimpara) Mini Anganwadi Centre, in terms of the Notification dated 21.07.2016. The respondent no.12 was appointed to the said post, in pursuant to the selection process held by the respondents. The petitioner being aggrieved by the appointment of the respondent no.12, on the ground that the respondent no.12 had submitted a fake Transfer Certificate, filed WP(C) No.7469/2018.
2. WP(C) No.7469/2018 was disposed of by this Court, vide order dated 25.04.2022, with a direction to the Joint Director of Social Welfare Department, to give a hearing to the petitioner and the respondent no.12 and to take a decision with regard to the validity of the respondent no.12's Transfer Certificate.
3. In pursuance to the order dated 25.04.2022 passed in WP(C) No.7469/2018, the Joint Director, Social Welfare Department issued order dated 22.08.2022, wherein it held that the Transfer Certificate issued to the respondent no.12 was false and fabricated, inasmuch as, the said Certificate

had been actually issued to another person, namely Tozamil Hoque, S/o Sattar Ali. The appointment order of the respondent no.12 was accordingly cancelled and the Joint Director directed that a fresh process for advertisement of the vacant post of Anganwadi Worker should be initiated.

4. The petitioner is aggrieved by the said order dated 22.08.2022, in view of the fact that the petitioner was at Sl. No.2 of the Select List, while the respondent no.12 was at Sl. No.1. As the appointment of the respondent no.12 had been cancelled, vide impugned order dated 22.08.2022 issued by the Joint Director, Social Welfare Department, the petitioner was expecting appointment to the post of Anganwadi Worker.

5. Issue Notice returnable in 4 (four) weeks.

Mr. J.K. Goswami, learned counsel accepts notice on behalf of respondent nos.1,2 & 6; Mr. R.K. Mushahari, learned counsel accepts notice on behalf of respondent no.3, 4, 5, 7 & 8 and Mr. M.U. Mahmud, learned counsel accepts notice on behalf of respondent no.12

List the matter after four weeks.

In the interim, no fresh advertisement for the post of Anganwadi Worker in respect of the 35 No. Palashguri (Muslimpara) Mini Anganwadi Centre should be published, till the next date.

Registry to reflect "SC, BTC" in the Cause List.

JUDGE

Comparing Assistant