

GAHC010238602018



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

Case No. : WP(C)/8201/2018

ANJALI SEN
D/O- LT PRASANNA SEN, R/O- VILL- PANJABI BASTI, P.O. AND P.S. LANKA,
NAGAON, ASSAM, PIN- 782442

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, SOCIAL
WELFARE DEPTT., DISPUR, KAMRUP, ASSAM, PIN- 781006

2:THE DIRECTOR
SOCIAL WELFARE DEPTT.
GOVT. OF ASSAM
UZANBAZAR
GHY
ASSAM
PIN- 781001

3:THE DISTRICT SOCIAL WELFARE OFFICER
NAGAON
ASSAM
PIN- 782001

4:THE CHILD DEVELOPMENT PROJECT OFFICER
LANKA ICDS PROJECT
LANKA
NAGAON
ASSAM
PIN- 782442

5:THE DY. COMMISSIONER
NAGAON

ASSAM
PIN- 782001

6:MRS. RINKU RANI DAS
W/O- RANJU KR. DAS
WARD NO. 1
PANJABI BASTI
LANKA
NAGAON
ASSAM
PIN- 78244

Advocate for the Petitioner : MR. A BARKATAKI, MR P BHARADWAJ

Advocate for the Respondent : GA, ASSAM, ALHAJJ INAM UDDIN (R6),MRS. R MOMTAZ (R6)

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 01.04.2026

Heard Mr. P. Bharadwaj, learned counsel, appearing for the petitioner. Also heard Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, appearing for the respondent nos.1, 2, 3 & 5, as well as Mr. A. I. Uddin, learned counsel, appearing for the respondent no.6.

2. The petitioner by way of instituting the present writ petition has presented a challenge to the appointment of the respondent no.6 effected vide order dated 03.01.2016 as Anganwadi Worker in Panchbhandar Anganwadi Centre, Ward No.7, Hojai, Nagaon.

3. The petitioner in the writ petition has projected that she was engaged as an Anganwadi Helper in Panchbandar Anganwadi Centre, Ward no.7 on 11.06.2007. She projects that in terms of the policy decisions arrived at in the matter, the petitioner is entitled, considering her length of service as well as educational qualification, for being considered for promotion to the post of Anganwadi Worker which is available in Anganwadi Centre situated within the Revenue village wherein, the Anganwadi Center of the petitioner is so situated.

The petitioner submits that she had approached the respondent authorities for consideration of her case for promotion, however the respondent authorities proceeded to effect an engagement in respect of the vacant post of Anganwadi Worker available in the Anganwadi Centre, wherein, the petitioner was working, by way of direct recruitment. She submits that on conclusion of the process involved, the respondent no.6 was vide an order dated 28.02.2014, engaged as Anganwadi Worker in the said Anganwadi Centre in the year 2016.

The petitioner being aggrieved by the appointment and also by raising an allegation that the respondent no.6, who was appointed as an Anganwadi Worker in

Panchbhandar Anganwadi Centre, was not a resident within the coverage area of the said Anganwadi Centre, had approached the respondent authorities praying for interference with the said appointment of the respondent no.6. The same not being considered, the petitioner had instituted the present writ petition.

4. The learned counsel for the petitioner by reiterating the facts noticed, hereinabove, has submitted that the petitioner had prayed before the respondent authorities for conducting an enquiry to ascertain the residential status of the respondent no.6 and thereafter to take appropriate steps in the matter. He submits that, in the event, the respondent no.6 is not found to be a resident within the coverage area of the Anganwadi Centre on the date of her engagement, such appointment would be mandated to be set aside and the resultant vacant post be filled by considering the case of the petitioner, herein, for promotion.

5. Ms. M. Bhattacharjee, learned Additional Senior Government Advocate, appearing for the respondent nos.1, 2, 3 & 5, submits that the petitioner has raised an issue with regard to the residential status of the respondent no.6 and had projected that the respondent no.6, is not a resident within the coverage area of the Anganwadi Centre, in question, which has been disputed by the learned counsel for the respondent no.6. Accordingly, she submits that in view of the dispute arising in the matter, this Court would be pleased to direct the Director of Woman & Child Development, Assam, to enquire into the same and pass an appropriate order.

6. Mr. A. I. Uddin, learned counsel, appearing for the respondent nos.6, has submitted that the initial engagement of the respondent no.6 as an Anganwadi Worker in the said Centre was in pursuance to a due process of selection and therein, the respondents has ascertained the fact as to whether the respondent no.6 fulfilled the criteria of being a resident within coverage area of the Anganwadi Centre, in question. Accordingly, he submits that the claim made by the petitioner in the present writ petition would not mandate an acceptance from this Court.

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

8. It is to be noted that neither the State Respondents nor the respondent no.6 have filed an affidavit in the matter. The petitioner in the writ petition has contended that the respondent no.6 was engaged as an Anganwadi Worker in Panchbhandar Anganwadi Centre, however she is not eligible for being so engaged, inasmuch as, she was not a resident within the coverage area of the Anganwadi Centre, in question.

9. The issue arising in the present writ petition being with regard to the residential status of the respondent no.6, in absence of any materials brought on record by the parties to the proceedings to arrive at a definite conclusions with regard to the same, this Court would not proceed further to examine such disputed questions of fact. However, considering the prayer of the petitioner that she is questioning the residential status of the respondent no.6 in the matter, this Court directs the petitioner to file a representation with requisite materials to demonstrate her claim with regard to the residential status of the respondent no.6 before the Director of Woman & Child Development, Assam, within 1 (one) month from today.

10. The Director of Woman & Child Development, Assam, on receipt of such representation from the petitioner within the time frame set out, hereinabove, shall schedule a date of hearing, thereafter, issue notices to the petitioner, the respondent no.6 and the jurisdictional Child Development Project Officer. Thereafter, after hearing the petitioner, the respondent no.6 and the jurisdictional Child Development Project Officer, and also after considering the materials coming on record, ascertain the residential status of the respondent no.6. The Director, Woman & Child Development, Assam, is at liberty, for the purpose of ascertaining the residential status of the respondents, to receive reports from the District Administration.

11. On such determination being made, the Director shall pass speaking orders and communicate the same to all concerned including the petitioner and the respondent no.6. In the event, the respondent no.6, is found to be a resident within the coverage area of the Anganwadi Centre, in question, on the date of her initial engagement therein, her such engagement will not be mandated to be set aside.

However, in the event, it is ascertained that the respondent no.6, on the date of her initial engagement was not a resident within the coverage area of the Anganwadi Centre, the Director of Woman & Child Development, Assam, shall pass appropriate orders directing for termination of the engagement of the respondent no.6 and thereafter proceed in the matter for effecting further engagement against the said post in accordance with law, by also taking into consideration the claim of the petitioner for being considered for promotion against the said post.

12. The Director of Woman & Child Development, Assam shall initiate and conclude the exercise as now required to be so carried out within a period of 03 (three) months from the date of receipt of a certified copy of this order along with the representation from the petitioner, herein.

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

JUDGE

Comparing Assistant