

GAHC010137112024



undefined

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

Case No. : PIL/39/2024

BARASHA THAKURIA
D/O- PRASANNA THAKURIA,
H.NO-10,
JONAK UDAY PATH,
BIRUBARI, JONAKPUR, GUWAHATI, DIST- KAMRUP (M), ASSAM, PIN-
781016

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BUY THE CHIEF SECRETARY , ASSAM SECRETARIAT , C BLOCK, 3RD
FLOOR, DISPUR, GUWAHATI, ASSAM, PIN-781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
WOMEN AND CHILD WELFARE DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DIRECTOR
OF WOMEN AND CHILD WELFARE DEPARTMENT
UZANBAZAR
GUWAHATI-01.ASSAM

4:THE UNION OF INDIA
REP. BY THE SECRETARY WOMEN AND CHILD DEVELOPMENT
SHASTRI BHAWAN
DR. RAJENDRA PRASAD ROAD
NEW DELHI-01

5:THE COMMISSIONER
TO THE GOVT. OF ASSAM

PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
PANJABARI
JURIPAR
GUWAHATI- 781037
KAMRUP (M)
ASSAM

6:THE DISTRICT COMMISSIONER
JORHAT

P.O AND DIST- JORHAT
ASSAM
PIN-78500

Advocate for the Petitioner : MS. D GHOSH, MS A HUSSAIN,MR A.K. HAJONG,MR. S. K.
CHAKMA,MR I CHAKMA,MS H BETALA,MS N DEKA

Advocate for the Respondent : GA, ASSAM,

Linked Case : PIL/72/2024

BARASHA THAKURIA
D/O- MR. PRASANNA THAKURIA
HOUSE NO. 10
JONAK UDAY PATH
BIRUBARI
JONAKPUR
GUWAHATI
DIST. KAMRUP(M)
ASSAM
PIN- 781016.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY CHIEF SECRETARY
ASSAM SECRETARIAT
C BLOCK
3RD FLOOR

DISPUR
GUWAHATI
ASSAM
PIN- 781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
DIRECTORATE OF SOCIAL WELFARE
WOMEN AND CHILD DEVELOPMENT
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN- 781006.

3:THE UNION OF INDIA
REPRESENTED BY SECRETARY
WOMEN AND CHILD DEVELOPMENT
SHASTRI BHAWAN
DR. RAJENDRA PRASAD ROAD
NEW DELHI-110001.

4:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED
(APDCL)
REPRESENTED BY THE CHIEF GENERAL MANAGER
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-781001.

5:THE PRINCIPAL SECRETARY
POWER (ELECTRICITY) DEPARTMENT
D-BLOCK
1ST FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI
ASSAM
PIN- 781006.

6:THE DISTRICT COMMISSIONER
HOJAI
P.O. HOJAI
DIST. HOJAI
ASSAM
PIN- 782435.

7:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF ASSAM

PANJABARI RD
PANJABARI
KHANAPARA
GUWAHATI
ASSAM
PIN- 781037.

Advocate for : MS. A VERMA
Advocate for : DY.S.G.I. appearing for THE STATE OF ASSAM AND 6 ORS

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

24.06.2025

(L.S. Jamir, C.J(Acting))

Heard Mr. S. K. Chakma, learned counsel for the petitioner.

The respondent Nos. 2, 3 and 6 has filed an affidavit-in-opposition and in paragraph 9 it is stated as under:

“9.That the statements made in Paragraphs 7 and 8 are partly admitted in so far as three areas under Titabor Integrated Child Development Services (ICDS) project are without Anganwadi centres but not the ones referred to by the Petitioner in the Public Interest Litigation as revealed by the Survey /enquiry conducted by the Child Development Project Officer, Titabar ICDS. Areas like Rongajan 1 No. line/Rongajan 2 No. line or Rongajan 4 No. line could not be found as alleged in the Public Interest Litigation.

However, Rongajan No. 3 line Jangal line with a population of 362 is not covered by ICDS and an Anganwadi centre is required in the area as per norms. The said survey also found that in the Rangajan line No.5 area, the population is 661 and not covered by ICDS project and would, therefore require an Anganwadi centre. Moreover in Kharikatia No. 10 area, the population is 650 and the area is not covered by ICDS

project and hence, there is a requirement of an Anganwadi center in the area, as per norms."

Further, Annexure 'B' to the affidavit-in-opposition indicates that the Director, Women and Child Development, Assam by a Communication dated 26th of November, 2024 and addressed to the Principal Secretary to the Govt. of Assam, Women and Child Development Department has sent the proposal for establishment of 3(three) nos. of new AWCs in the uncovered areas of Rongajan and Kharikotia Revenue Village under Kharikatia Grant. The said proposal for establishment of new AWCs are Rongajan 3 no. line and jangal line, Rongajan 5 no. line and Kharikotia 10 no. ward. Annexure 'F' (page 265) to the affidavit-in-opposition is a letter dated 10.06.2025, written by the Joint Secretary to the Govt. of Assam, Women & Child Development Department and addressed to the Director, Women & Child Development Assam, whereby, approval of the Government for re-location of 3(three) nos. of AWCs under the uncovered area under Titabar ICDS project, Jorhat has been conveyed.

Before closing the PIL, this Court would like to ascertain as to whether the re-location of the 3(three) nos. of AWCs at Rongajan 3 no. line and jangal line, Rongajan 5 no. line and Kharikotia 10 no. ward under the uncovered area under Titabar ICDS project, Jorhat has been actually carried out.

The respondent Nos. 2, 3 and 6 are therefore directed to file an affidavit showing the re-location of the 3(three) nos. of AWCs at Rongajan 3 no. line and jangal line, Rongajan 5 no. line and Kharikotia 10 no. ward under the uncovered area under Titabar ICDS project, Jorhat by the next date fixed.

Mr. D. K. Sarma, learned Addl. Senior Govt. Advocate is also allowed

3(three) weeks time to file affidavit in PIL No. 72 of 2024.

List the matter after 4(four) weeks.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant