

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CPSW No. 120/2019

Shagufta Khursheed & anr.

.... Petitioner/Appellant(s)

Through:- Mr. R. K. S. Thakur, Advocate

V/s

Basharat Hussain & ors.

.....Respondent(s)

Through:- Mr. K. D. S. Kotwal, Dy.A.G.

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

01. This petition was filed by the petitioners seeming implementation of the judgment dated 15.03.2017 passed in SWP No. 63/2010. The writ petition was disposed of by directing as under:-

16. Now the Question is what is now to be done by the respondents authorities. The respondents authorities in effect shall direct the constituted Select Committee to ascertain as to whether they have followed the procedure and notified criteria while awarding marks to the candidates during the course of the interview, if yes, then they have to proceed further on that basis, otherwise they shall hold the interview afresh of all such candidates.

17. While proceedings further in pursuant to the process of selection initiated vide advertisement notice of 2008, the constituted committee shall strictly adhere to the norms, criteria and the object of the scheme and to finalize the process of selection within a period of two months.

02. Mr. Thakur, learned counsel appearing on behalf of the petitioner, submits that District Programme Officer ICDS Project Ramban has issued appointment order to 10 candidates who were the petitioners in SWP No. 63/2010 but have not issued the same in favour of the petitioners herein.

05. Mr. Kotwal, learned Dy.A.G. has filed the statement of facts on behalf of the respondents and stated that as per the norms of the ICDS the candidates should be residing in the area where she is to be appointed/engaged as Anganwadi Worker but all the petitioners have been married outside the wards, villages, therefore, their claim for engagement was not to accepted.

06. The petitioners were appointed pursuant to Advertisement Notice dated 28.04.2008 and in terms of the judgment impugned, terms and conditions existing on the cutoff date of the advertisement notice has to be followed, if the petitioners fulfilled the criteria then they were to be considered only on that basis only. Vide communication dated 06.07.2017 also, it has been expressly the terms and conditions as were existing on the cut of date of the advertisement notice of 2008 need to be followed in letter and spirit. It appears that the respondents have not complied with the judgment.

07. In view of the aforesaid, judgment is required to be complied in letter and spirit. Let compliance report be filed by the next date.

08. List on 15.02.2022.

(Sindhu Sharma)
Judge

JAMMU
03.12.2021
RAM MURTI