

WP(C) 5335/2010

BEFORE

HON'BLE MR JUSTICE I A ANSARI

Heard Mr. H. R. A. Choudhury, learned Senior counsel, appearing for the writ petitioner, and Mr. B. K. Sarma, learned Standing counsel, Social Welfare Department, Government of Assam, appearing on behalf of respondent Nos. 1 to 5.

The grievance of the writ petitioner is, in brief, thus: The petitioner was applicant for appointment to the post of Anganwadi Worker in 375 Madhya Nichanar Char Anganwadi center under Mandia ICDS Project in the District of Barpeta.

The petitioner claims that the private respondent, who has been selected as Anganwadi Helper, does not belong to the place, where the Anganwadi center is located.

As the dispute, raised by the petitioner, is substantially factual in nature, this Court is of the view that in the facts and circumstance of the present case, respondent No. 2, namely, Director, Social Welfare Department, Assam, shall examine the claim of the petitioner. Whatever decision is reached, in this regard, by the respondents/authorities concerned, or whatever order is, ultimately, passed by the respondents/authorities concerned, on the petitioner's grievances, shall be communicated, in writing, to the petitioner and, if the petitioner feels aggrieved by the decision(s), which may be reached, or the order(s), which may be passed by the respondents/authorities concerned, the petitioner shall remain at liberty to take recourse to such provisions of law as may be permissible.

The whole exercise, so directed, shall be completed within a period of two months from the date of receipt of a copy of this order by the respondent No.

2. The petitioner may furnish to the respondent No. 2 a certified copy of this order along with a copy of the writ petition and annexure thereto.

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

Furnish a copy of this order to the learned Standing counsel, Social Welfare Department.