

IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

Writ Petition No. 615 of 2011 (S/S)

Smt. Nasreen

.....Petitioner.

Versus

State of Uttarakhand and others.Respondents.

Present: Mr. K. S. Verma, Advocate for the petitioner.
Mr. Anil Bisht, Brief Holder for the State of
Uttarakhand/respondent nos. 1 to 3.

Hon'ble Sudhanshu Dhulia, J.(Oral)

Heard Mr. K. S. Verma, Advocate for the petitioner and Mr. Anil Bisht, Brief Holder for the State of Uttarakhand.

Under a Scheme started in the erstwhile State of Uttar Pradesh, somewhere in late 80s, which continued in the State of Uttarakhand, "Angan Bari Workers" are appointed in "Angan Bari Centres", which are situated almost in all villages. It is a village level appointment made by the concerned Child Development Project Officer. The selection and appointment procedure of "Angan Bari Karyakatri", "Sahayika Angan Bari Karyakatri" and "Mini Angan Bari Karyakatri" are presently governed by various Government Orders but primarily by Government Orders dated 24th February, 2009, 3rd September, 2009 and 31st May, 2010. The main scheme today, is given in a Government Order issued by the Government of Uttarakhand on 24th February, 2009. These are all admitted facts.

As per the said Government Orders reference whereof has already been given above, a selection

committee at Block Level is first constituted. A procedure is prescribed for constituting this Selection Committee. Thereafter procedure is also prescribed how the various vacancies of “Angan Bari Workers” will be advertised for all the “Angan Bari Centres” and how the selection will be made by the Selection Committee and what will be the eligibility as well as the priorities given to a candidate in this selection. It will be needless to elaborate on this aspect at the present juncture.

As per the procedure prescribed in the Government Order dated 24th February, 2009, the Selection Committee shall publish the “tentative select list” to be notified at various places including the Block Level Offices, so that if anybody wants to object to these selection, he or she would be free to make such objections. The cases where no objections are made, the tentative selection list becomes final and the Child Development Project Officer issues appointment letter to such a candidate. In cases where objections are received the matter is referred to the Appellate Authority, which is constituted under the Government Order dated 24th February, 2009. The body of the Appellate Authority constituted is as follows:

- “1. Chief Development Officer- Chairman
2. A person nominated by the District Magistrate, who must be at least Class-II Officer, and,
3. District Programme Officer, who will be the member Secretary of this appellate body.

The Appellate Authority after considering the objection passes appropriate order therein. The Appellate Authority has to take a decision on this matter within 15 days as per the Government Order dated 24.2.2009.

“Angan Bari Worker” has to be a woman. The petitioner being a woman moved an application for being appointed as “Angan Bari Worker” in Angan Bari Centre-District Dehradun. However, the petitioner was not selected and appointment was given to respondent nos. 4 Smt. Sahjahan W/o Tahir and respondent no.5 Smt. Sahjahan W/o Jamshed Ali. The petitioner has challenged the appointment of respondent nos. 4 and 5 on the ground that they do not come under the category of Below Poverty Line and that their appointment is made in violation of the conditions of the advertisement and also against the law.

Be that as it may, this writ petition is disposed of with the direction to the petitioner to move a representation before the concerned Child Development Project Officer who shall look into the grievance of the petitioner, and hear the present incumbent i.e. respondent nos. 4 and 5, as well.

It must be clarified that an appointment of an “Angan Bari Worker” is only under a Government Scheme, yet for those “Angan Bari workers” who are so appointed, it carries a great meaning as the candidates for this work belong to the deprived or rather financially insecure stratum of our society who reside in a village. Even amongst them in most cases they are widows, divorced women, etc.

The Child Development Project Officer, Dehradun is hence directed to take a decision on this matter by passing a speaking order as expeditiously as possible but in no case beyond a period of eight weeks from the date a certified copy of this order is produced before him. It is expected that the Child Development Project Officer, Dehradun will act with due fairness in accordance with

the principles of natural justice and fair play. It is made clear that appointments of respondent nos. 4 and 5 are not being interfered with by this Court, but their continuance shall be subject to the final decision reached by the Child Development Project Officer, Dehradun.

With these observations, writ petition is disposed of.

No order as to costs.

(Sudhanshu Dhulia, J.)
21.6.2011

Kuldeep