

SWP No. 1653/2010
CMA Nos. 2002/2012 & 2301/2010

Anshu Sharma.	Vs.	State of J&K & ors.
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Appearing Counsel:

For Petitioners(s) : Mr. F. A. Natnoo, Advocate.

For Respondent(s) : Ms. Z. S. Wattali, Dy. A. G.

Mr. S. K. Shukla, Advocate.

i)	Whether approved for reporting in Press/Media	:	Yes/No
ii)	Whether to be reported in Digest/Journal	:	Yes/No

The petitioner-Anshu Sharma questions the engagement of Ms. Jyoti Kumari alias Jyoti Devi-respondent No. 9 as Anganwari Worker for Anganwari Centre at Jatwal Morh, *inter alia*, on the grounds that the Social Welfare Department of the State Government had not followed the criteria indicated in the Advertisement Notice while selecting respondent No. 9, who, even otherwise, ineligible to compete for selection being a resident of village Sangwali falling in Ward No. 3 Jatwal, when eligible candidate had to be the resident of Ward No.4.

The respondents justify the selection and engagement of respondent No. 9 urging that the

criteria laid down in Government Order No. 128-SW of 2008 dated 24.3.2008 had been followed in view of the issuance of Government Order No. 91-SW of 2010 dated 19.04.2010, in terms whereof, the pending selections were to be carried out on the basis of the criteria laid down in Government Order dated 24.3.2008.

Considered the submissions of learned counsel for the parties in the light of the Government Orders referred to herein above.

To deal with the petitioner's learned counsel's plea that respondent No.9's selection was invalid because of its having been held not following the norms indicated in the Advertisement Notice, regard needs to be had to Government Order No. 91-SW of 2010 dated 19.04.2010, which is reproduced hereunder for reference. It reads thus:-

“Government of Jammu and Kashmir
Civil Secretariat: Social Welfare Department

Subject: Norms for identification of Anganwari Centres
and selection of Anganwari Workers/Helpers.

Government Order No. 91-SW of 2010
Dated 19-04-2010.

In partial modification of the guidelines issued Government Order No. 07-SW of 2010 dated 18-01-2010 and Government Order No. 10-SW of 2010 dated 19-01-2010 regarding the subject cited above, it is hereby Ordered that:-

(a) Selection for the engagement of Anganwari Helper (AWH) shall be restricted to the hamlet in the village. Where ever the Anganwari Helper (AHW) would not be available within the hamlet, the

selection shall be made from the entire Revenue Village.

(b) Selection of Anganwari Worker (AWW) and Anganwari Helper (AWH) in the urban areas shall be confined to the ward or a part thereof as the case may be depending on the area being uncovered and the location conforming to the laid down guidelines of the Ministry of Women and Child Development, Government of India for establishing new Anganwari Centers.

(c) The selection process, if any already underway, shall be completed as per Government order No: 128-SW of 2008 dated: 24.03.2008. In all other cases wherever slot(s) is/are vacant, the same shall be filled-up as per the existing guide lines.

By order of the Government of Jammu and Kashmir.

Sd/-
(M. S.Khan) IAS,
Secretary to Government
Social Welfare Department
dated 12.04.2010"

No. SWC/Estt/153/2007

It is not in dispute that the selection initiated pursuant to Advertisement Notice No. DIP/J-7992 dated 21.1.2010 was underway and had not been finalized when Government Order No. 91-SW of 2010 was issued.

In terms of the Government Order referred to hereinabove, the selection of Anganwari Workers for Anganwari Centre at Jatwal Morh, was required to be conducted in terms of the existing guidelines, i.e., those contained in Government Order No. 128-SW of 2008 dated 24.03.2008. The petitioner has not questioned the justifiability and legality of Government Order No. 91-SW of 2010 dated 19.04.2010.

Even otherwise, the selection was required to be conducted according to the guidelines issued by the Social Welfare Department. The guidelines having been published vide Government Order No. 91-SW of 2010, the selection was required to be conducted in terms of Government Order No. 07-SW of 2010 dated 19.01.2010 pursuant where to the Advertisement Notice had been issued. The Government Order and the guidelines relied upon by the petitioner having, thus, been modified by the subsequent Government Order, the selection of respondent No. 9 conducted by the Committee constituted by the Child Development Project Officer, following the criteria of allocating 75 marks for academics and 25 marks for viva-voce cannot, therefore, be faulted.

Coming to the second contention of the learned counsel, it is found that although respondent No. 9 was resident of village Sangwali yet she could not be disqualified to compete in selection, as submitted by the petitioner's learned counsel because that part of village Sangwali where the respondent resided, formed part of Ward No. 4 where the Anganwari Centre was located and in terms of the guidelines issued for the selection, the candidates residing in Ward No. 4 where

the Centre was located, were eligible to compete for selection.

The case set up by the respondents that respondent No. 9 was resident of Ward No. 4 and which is otherwise supported by the certificates issued by Sarpanch Panchayat Halqa Jatwal (Ghagwal)/Naib Tehsildar, Settlement, Ghagwal and Block Development Officer, Ghagwal (Samba), besides other material on records, has not been controverted by the petitioner by any sustainable material.

Both the grounds raised by the petitioner questioning the selection of respondent No. 9 are, therefore, found without merit, hence rejected.

For all what has been said above, the petitioner's challenge to the selection and engagement of respondent No. 9 as Anganwari Worker for Anganwari Centre Jatwal, therefore, fails.

This Writ Petition is, accordingly, found without merit, hence dismissed.

(J. P. Singh)
Judge

JAMMU
10.07.2012
Tilak, Secy.