

GAHC010024002010



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

**Case No. : WP(C) 648/2010**

1:SMTI MOMI BANIA TAMULY  
W/O SRI RINTU TAMULY, R/O VILL- UDAYAN PATH HARIGAON, P.O.  
NIKAMUL, P.S. TEZPUR, DIST. SONITPUR, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND ORS  
THROUGH- THE COMMISSIONER and SECY, TO THE GOVT. OF ASSAM,  
SOCIAL WELFARE DEPARTMENT, DISPUR, GHY-6.

2:THE DIRECTOR  
SOCIAL WELFARE DEPARTMENT  
ASSAM  
UZANBAZAR  
GHY-1.

3:THE DEPUTY COMMISSIONER  
SONITPUR  
P.O. TEZPUR  
DIST. SONITPUR  
ASSAM.

4:TEH DISTRICT SOCIAL WELFARE OFFICER  
SONITPUR  
P.O. TEZPUR  
DIST. SONITPUR  
ASSAM.

5:THE CHILD DEVELOPMENT PROJECT OFFICER  
INTEGRATED CHILD DEVELOPMENT SCHEME  
BALIPARA  
P.O. BALIPARA  
DIST. SONITPUR  
ASSAM.

6:SMTI REHANARA BEGUM  
D/O MD ABDUL RAJESH KHAN  
R/O VILL- HARIGAON  
P.O. NIKAMUL  
P.S. TEZPUR  
DIST. SONITPUR  
ASSAM

**Advocate for the Petitioner** : MR.S C BISWAS

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**

**HON'BLE MR.JUSTICE SANJAY KUMAR MEDHI**  
**ORDER**

**30-11-2018**

Heard Mr. S.C. Biswas, learned counsel for the petitioner. Also heard Mr. M.R. Adhikari, learned State Counsel for the respondent Nos. 1 to 5 and Mr. A. Alam, learned counsel for the private respondent No.6.

In this writ petition a challenge has been made to the appointment of the respondent No.6 to the post of Anganwadi Worker in 59 No. Udayanpath Anganwadi Centre. The contention of the petitioner is that the said respondent No.6 is not a resident under the said Centre. To buttress his argument Mr. Biswas has relied upon a certificate issued by the Government Gaonburah of Tezpur Sadar Revenue Circle, Harigaon, which states that the respondent No.6 is not a resident under the particular centre.

On the other hand, the responded No.5, CDPO of Balipara ICDS Project has filed an affidavit, wherein, the claim of the petitioner has been denied. Along with the said affidavit a certificate by the said Gaonburah has also been annexed stating that the respondent No.6 is a resident under the concerned Anganwadi Centre. Mr. A. Alam, learned counsel for the respondent No.6, submits that he has also filed an affidavit-in-opposition annexing a certificate by the same Government Gaonburah regarding the resident of respondent No.6.

It appears that this is a case where disputed question of fact has been raised. The writ court exercising jurisdiction under the Section 226 of the Constitution of India is not a proper forum for adjudication of such disputed question of fact.

In view of above, this writ petition is dismissed giving liberty to the petitioner to assail the appointment of the respondent No.6 in the appropriate forum, if so advised.

Writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**