

GAHC010062372021



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

Case No. : WP(C)/2328/2021

SALEHA BEGUM
W/O JAHUR ALI
RESIDENT OF VILLAGE DOLOITOLA, PO SANIADI, PS HAJO, DIST
KAMRUP ASSAM 781102

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, SOCIAL WELFARE DEPARTMENT, DISPUR, GUWAHATI 06
ASSAM

2:THE DIRECTOR
SOCIAL WELFARE ASSAM
UZAN BAZAR
GUWAHATI 1 ASSAM

3:THE DISTRICT SOCIAL WELFARE OFFICER

HAJO ICDS PROJECT
HAJO
DIST KAMRUP ASSAM

4:THE CHILD DEVELOPMENT PROJECT OFFICER

HAJO ICDS PROJECT
HAJO
KAMRUP ASSA

Advocate for the Petitioner : MR I AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 31-03-2021

Heard Mr. I. Ahmed, learned counsel for the petitioner, who submits that the petitioner was engaged as Anganwadi Worker on 21.01.1991 in Anganeadi Centre 206, Doloitala, under Hazo, ICTS Project, Hazo and since then she has been diligently working against the said post. According to the petitioner, in the year 2016, the post of Anganwadi Worker against the said centre fall vacant due to the promotion of the incumbent to the post of Anganwadi Supervisor. Despite the vacancy, the post was not filled up and the petitioner who was eligible for promotion was not considered. According to the petitioner, though she was given some assurance that she will be considered against the said post she was not considered.

Of late, vide advertisement dated 28.09.2020 (Annexure-iv), the respondent no. 4, floated an advertisement for the post in question inviting applications from candidates, who are eligible in terms of the relevant guidelines notified by the Social Welfare Department. According to the petitioner, she could not submit her application in view of condition no. 6 stipulated in the notification dated 04.03.2013 (Annexure-1) wherein, the eligibility criteria in order to be considered for the promotion to the post of Anganwadi worker is that the applicant should not be above 45 years of age. The petitioner by now has attained the age of 49 years and therefore, in view of the said stipulation, she is not eligible to apply for the post.

The learned counsel for the petitioner submits that when the vacancy occurred in the year 2016, the respondent authority ought to have considered the case of the petitioner as she was eligible and was having enough experience since she was appointed as Anganwadi

Worker in the year 1991. Having been left with no option, the petitioner has approached this Court challenging the condition no. 6 notified in the notification dated 04.03.2013.

During the course of argument, the learned counsel for the petitioner has submitted that pursuant to the advertisement dated 28.09.2020, the respondent authority concerned have conducted interview on 04.12.2020 but the outcome of the said interview has not been published as on date.

From the projection made by the petitioner herself, it is seen that although the vacancy occurred in the year 2016, she did not approach the respondent authority concerned by filing a representation requesting that she be consider for promotion to the post of Anganwadi Worker. Now, after the advertisement dated 28.09.2020 was floated, an interview has already been held on 04.12.2020 for filling up the said vacancy. Therefore, having regard to the facts and circumstances, this Court is of the considered view that that petitioner cannot be said to have a legitimate grievance.

Under the circumstances, I find no merit in the writ petition and the same is accordingly dismissed. No Cost.

JUDGE

Comparing Assistant