

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.455 of 2024

1. **Smt. Husna Begam,**
W/o:- Hussain Ahmed,
D/o:- Lt. Matin Uddin,
R/O:- West Batarashi, Signal Basti,
P.O. Rajbari, PIN;799253
P.S. Dharmanagar, District:- North Tripura.
.....Petitioner(s).

Versus

1. **The State of Tripura**
Represented by its Principal Secretary,
Department of Social Welfare and Social Education,
Government of Tripura.
P.O.:- Secretariat, PIN-799010
P.S. New Capital Complex, District: West Tripura.
PIN:- 799010.
2. **The Director,**
Social Welfare and Social Education Department
Government of Tripura, Ujan Abhoynagar,
PO:- Agartala, PS:- East Agartala,
Dist:- West Tripura, PIN: 799005
3. **The Child Development Project Officer,**
Padmapur ICDS Project,
P.O. & P.S.:- Dharmanagar, Dist:- North Tripura,
PIN:- 799250.

.....Respondent(s).

For Petitioner(s)	:	Mr. Arijit Bhaumik, Advocate.
	:	Ms. I. Chakma, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A.
Date of hearing & date of delivery of Judgment :		28.05.2025
Whether fit for reporting :		No

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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Heard Mr. Arijit Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A. appearing for the State-respondents.

[2] The case of the petitioner is that she was once engaged as a substitute Anganwadi Worker on 25.07.2007 at Signal Basti Anganwadi Centre as the regular Anganwadi Worker Smt. Pratima Dutta went on leave. After Smt. Dutta rejoined, the engagement of the petitioner was terminated. Thereafter, said Pratima Dutta expired and in her place one Bandana Sinha was engaged as regular Anganwadi Worker in said Anganwadi centre. Thereafter on 16.02.2024 said Bandana Sinha also expired and thereafter, on the following day the petitioner applied for her engagement as regular Anganwadi Worker in said Anganwadi centre which was not allowed by the respondents, rather as a stop gap arrangement, as appeared from the counter affidavit submitted by the respondents, one Minara Begam has been given additional charge of said Anganwadi centre though said Minara Begam is actually engaged in another Anganwadi centre.

[3] Mr. Arijit Bhaumik, learned counsel argues that the Signal Basti Anganwadi centre itself is located inside the homestead land of the petitioner and more so temporarily she worked as substitute Anganwadi Worker in said Anganwadi centre, therefore, she is entitled to get engagement as Anganwadi Worker in said Anganwadi centre on priority basis. Learned counsel also submits that despite the post of Anganwadi Worker is lying vacant, no step has been taken by the respondents for engagement of Anganwadi Worker on regular basis in said Anganwadi centre. Mr. Bhaumik, learned counsel prays for necessary direction of the Court for her engagement in said Anganwadi centre.

[4] Learned G.A. however, contends that the claim of the petitioner is not sustainable, inasmuch as there are prescribed guidelines issued by the State Government for engagement of Anganwadi Worker on regular basis in any Anganwadi centre which

provides for prior issuance of advertisement and selection of candidates going through a selection process by a committee constituted in this regard and in deviation from the said guidelines no person can be engaged in any Anganwadi centre just on the basis of her prior engagement as substitute Anganwadi worker. It is also submitted by learned G.A. that the engagement letter issued to the petitioner as substitute Anganwadi Worker does not show any permanent status of her such engagement and, therefore, her claim is not sustainable.

[5] The Court has given due consideration to the submissions of both sides and have also gone through the relevant documents placed in the record. The guideline as framed by the State was published by notification dated 17.01.2019 is also placed before the Court and it appears that a procedure has been devised by the State for engagement of Anganwadi Workers and Anganwadi Helpers. As per said guidelines, for the purpose of selection of Anganwadi worker/helpers, first of all advertisement is required to be issued. There is also a provision for constitution of selection committee for said purpose. Further provision has been made for preferring appeal before DM & Collector in case of any grievance persists to any candidate. One of the important guide line which is very much relevant for the present case is Clause-2 which is extracted hereunder:-

"2. Eligibility Criteria :

Only such female married/widow candidates are eligible to apply for the post of Anganwadi worker/Anganwadi Helper who are:

a) Normal residents of the village (in case of Rural Area)/ward (In case of Urban Area) where Anganwadi Centre is located and belongs to the feeder villages / wards of the Anganwadi area.

b) Freezing of the list of families being covered in the feeder area of the AWC will be ensured before starting the selection process and advertising of vacancies with due publicity. Only the

residents of the areas as above will be entitled to apply. If the candidates are not available within the feeder area, applications can be invited from the desirous candidates residing within the area of the concerned Gram Panchayat/Ward.

c) For Anganwadi Worker minimum qualification shall be Matriculate and for Anganwadi Helper minimum qualification shall be Class – VIII passed.

d) Age between 18-45 years. 5 years relaxation for SC / ST / Divyangjan(Differently able) candidates."

[6] As per said Clause-2, priority is required to be given to the candidates who are residing within the feeder area of the Anganwadi centre wherein the Anganwadi Worker or Helpers are required to be engaged and if no candidate is found available within the feeder area of that centre, applications can be invited from the desirous candidates residing within the area of concerned Gram Panchayat/Ward. According to the petitioner, she is residing within the feeder area of said Anganwadi centre itself and she is also having the required academic qualification for the same.

[7] Mr. Bhaumik, learned counsel also submits that the age of the petitioner is also within the permissible limit of eligibility for such engagement. Anyway, said rule does not create any right in favour of any person to claim for any engagement as Anganwadi Worker on regular basis just on the ground that earlier on any occasion she was engaged as Substituted Worker or on the ground that Anganwadi centre itself is located within the land of the person concerned. Therefore, the claim of the petitioner in this writ petition is not sustainable. However, if any advertisement is issued by commencing the selection process by the respondents for selection of Anganwadi Workers in said Signal Basti Anganwadi centre, the petitioner will automatically have the liberty to apply for the said post if she is eligible for such selection. As it appears

from the counter affidavit of the respondents that post of Anganwadi Worker is lying vacant since the time of death of Bandana Sinha on 16.02.2024, the respondents should take endeavour for early engagement of any regular Anganwadi Worker in the above said Anganwadi centre.

In view of above discussions, the writ petition is dismissed.

Pending application(s), if any, shall also stands disposed of.

HIGH COURT OF TRIPURA

JUDGE



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