
(2019) 11 J&K CK 0031

In the Jammu And Kashmir High Court

Case No : Service Writ Petition (SWP) No. 2430 Of 2014, IA No. 3275 Of 2014

Rubina Akhtar

APPELLANT

Vs

State Of Jammu And Kashmir And Others

RESPONDENT

Date of Decision : 20-11-2019

Acts Referred:

Citation : (2019) 11 J&K CK 0031

Hon'ble Judges : Sindhu Sharma, J

Bench : Single Bench

Advocate : Vishal Bharti

Final Decision : Disposed Of

Judgement

Sindhu Sharma, J

1. Petitioner seeks quashing of Advertisement Notice No.1/ICDS/DT of 2014 dated 16.07.2014 vide which applications were invited for engagement of Anganwadi Workers to the newly created posts for Anganwadi Centre in Kundan Hamlet of Ward No. 1 situated at village Shadrashrief, Tehsil Thanamandi District Rajouri. She also seeks mandamus commanding the respondents to post her as Anganwadi Worker in the said Anganwadi Centre.

2. Briefly stated the case of the petitioner is that she was appointed as Anganwadi Worker in the year 2012 and is working on the said post, therefore, she has a preferential right to be appointed and adjusted as Anganwadi Worker in Anganwadi Centre Kundan Hamlet of Ward No. 1 situated at village Shadrashrief, Tehsil Thanamandi District Rajouri, thus, advertising the post has deprived of her right to be appointed on said post.

3. Respondents in their objections have denied the petitioner's engagement as Anganwadi Worker in any Anganwadi Centre. They submit that she has not worked even for single day in any such Centre. Competent authority has selected Rabia Tabassam W/o Zainul Haq in Anganwadi Centre and, as such, she is

working on the said post till date. Rabia Tabassam was appointed on 28.12.2015 and it was also stated that selection has been made as per the criteria laid down in Government Order No. 7-SW of 2010 dated 18.01.2010 now superseded by Government Order No. 4-SW of 2017 dated 03.01.2017.

4. The norms for identification of Anganwadi Centers and selection of Anganwadi Workers/Helpers have been provided in Government Order No. 4-SW of 2017 dated 03.01.2017, apparently the said criteria of selection has not been followed. Government order dated 03.01.2017, provides the norms for identification of Anganwadi Centers and selection of Anganwadi Workers/Helpers, the criteria for selection of Anganwadi Workers and provision for an appeal. Appeal clause reads as under:-

"Appeal:

Wherever anybody feels aggrieved with the selection of Anganwadi Worker/Helper or with the mode and manner of selection of the Hamlet for setting up of Anganwadi Centre, an appeal shall be preferred to the Deputy Commissioner concerned within 30 days from the date of selection of Anganwadi Worker/Helper or the date of identification of location of the Hamlet for the setting up of Anganwadi Centre.

The Deputy Commissioner concerned shall dispose of the appeal within 15 days from the date of the receipt of the complaint after conducting an enquiry whatever may be deemed necessary."

5. Since the petitioner is aggrieved of the selection of Rabia Tabassum to the Anganwadi Centre Kundan Hamlet of Ward No. 1 situated at village Shadrashrief, Tehsil Thanamandi District Rajouri, therefore, the petitioner will have to prefer an appeal before the Deputy Commissioner concerned, who is under an obligation to decide the same.

6. In view of the aforesaid Government Order No. 7-SW of 2010 dated 18.01.2010 read with Government Order No. 4-SW of 2017 dated 03.01.2017, this petition is disposed of with a direction that the petitioner may file an appeal before the Deputy Commissioner Rajouri within a period of four weeks from the date of receipt of a certified copy of this order. Deputy Commissioner, Rajouri will issue notice to all the parties and after affording an opportunity of hearing to them, decide the same within a period of one month by a speaking order, in accordance with the norms.

7. In view of the aforesaid observations, the writ petition is disposed of alongwith connected IA(s).