

(2021) 07 GAU CK 0061

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 1404 Of 2016, Interlocutory Application (Civil)
No. 976 Of 2021

Rumi Deka Dutta

APPELLANT

Vs

State Of Assam And 2 Ors

RESPONDENT

Date of Decision : 14-07-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 07 GAU CK 0061

Hon'ble Judges : Kalyan Rai Surana, J

Bench : Single Bench

Advocate : S Rana

Final Decision : Allowed

Judgement

1. Heard Mr. M. Rahman, learned counsel for the petitioner. Also heard Mr. T.C. Chutia, learned Additional Senior Govt. Advocate appearing for the

State respondent nos.1, 2 and 3. None appears on call for the respondent no.4.

2. By filing this writ petition under Article 226 of the Constitution of India, the case projected by the petitioner is that she had been appointed as

Anganwadi Worker on 16.02.2015 in Dutta Chuburi Anganwadi Centre under West Nalbari ICDS Project. Upon joining the post, she had successfully

completed Anganwadi Worker training course and while working in the same post, on 12.02.2016, the Project Officer, West Nalbari ICDS Project

vide impugned Memo No.ICDS(PN)E-1/2014-15/250 dated 12.02.2016 (Annexure-5) terminated the appointment of the petitioner without assigning

any reason. Accordingly, this writ petition was filed to seek quashing of the impugned order dated 12.02.2016 and for reinstating the petitioner to the

said post.

3. The learned Additional Senior Govt. Advocate has produced the relevant records pursuant to order dated 19.04.2021 passed by this Court. On a perusal of the said record, it appears that the selection process was initiated as per advertisement dated 08.03.2013 and interview was held on 10.02.2014 and 11.02.2014 for the post of Anganwadi Worker and Anganwadi Worker Helper under West Nalbari ICDS Project. It is seen that the petitioner had secured 62.10 marks and she was in first position. But the then CDPO, West Nalbari had marked the petitioner in second position and placed the respondent no.4 in first position, who had secured 39.26 marks. Accordingly, record reveals that approval letter dated 18.05.2015 was cancelled by order dated 11.02.2016 and the engagement of the petitioner was cancelled by order dated 12.02.2016. This writ petition was filed on 26.02.2016 and notice of motion was issued by order dated 02.03.2016 with an interim direction that the petitioner be allowed to continue her engagement as Anganwadi Worker in the concerned centre and thereafter, the Director, Social Welfare by order dated 17.05.2016 had directed the then CDPO, West Nalbari ICDS Project to come with the original records and on finding the aforesaid discrepancy, the petitioner was reinstated in service by order dated 14.03.2016. The said position is also stated in the affidavit-in-opposition filed by the respondent no.2 on 09.04.2021.

4. In view of the said factual position revealed from the records, having noticed that the petitioner has been allowed to join her post since 14.03.2016 and having seen that the records show that the petitioner was at first position in the selection process, the Court has no hesitation to set aside and quash the impugned order under Memo No. ICDS(PN)E-1/2014-15/250 dated 12.02.2016. Accordingly, the respondent no.2 and 3 would do the needful for effectual implementation of this order.

5. At this stage, the learned Additional Senior Govt. Advocate has referred to the prayer made in I.A.(Civil) 976/2021 praying for recalling of the order dated 17.03.2021 passed in this writ petition thereby imposing a cost of Rs.3,000/- (Rupees three thousand only) on each of the respondent nos.1, 2 and 3. Having observed that the respondent nos.1, 2 and 3 had thereafter been prompt in filing their reply and in producing the records, as such, the I.A.(Civil) 976/2021 stands allowed and the order dated 17.03.2021 passed in this writ petition in so far as it relates to imposition of cost on

respondent nos.1, 2 and 3 stands recalled.

6. This writ petition and the connected I.A.(Civil) 976/2021 are both disposed of on being allowed.

7. The records produced by the learned Additional Senior Govt. Advocate is returned.