HIGH COURT OF TRIPURA
AGARTALA

WA No.103 of 2026

Smt. Karuna Sarkar, W/o Sri Dilip Kapali, R/o Nikhil Sarkar Para, P.O. Sarma, P.S. Gondatwisa, District- Dhalai, Tripura

.....Appellant(s);

Versus

1. The State of Tripura to be represented by the Secretary, Govt. of Tripura, Dept. of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

2. The Secretary to the Govt. of Tripura, Department of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

3. The Director of Social Welfare & Social Education, Govt. of Tripura, Abhoynagar, P.O. Abhoynagar, Agartala, P.S. East Agartala, West Tripura, PIN-799005

4. The Child Development Project Officer, Dumburnagar ICDS Project, P.O. and P.S. Gondatwisa, District- Dhalai, Tripura

5. The Union of India represented by the Secretary, Ministry of Women and Child Development, Government of India, Shastri Bhswan, New Delhi-110001

.....Respondent(s)

WA No.104 of 2026

Smt. Jhuma Rani Mallik, W/o Sri Litan Biswas, R/o South Sarma, P.O. Ranipukur, P.S. Gondatwisa, District- Dhalai, Tripura

.....Appellant(s);

Versus

1. The State of Tripura to be represented by the Secretary, Govt. of Tripura, Dept. of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

2. The Secretary to the Govt. of Tripura, Department of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

3. The Director of Social Welfare & Social Education, Govt. of Tripura, Abhoynagar, P.O. Abhoynagar, Agartala, P.S. East Agartala, West Tripura, PIN-799005

4. The Child Development Project Officer, Dumburnagar ICDS Project, P.O. and P.S. Gondatwisa, District- Dhalai, Tripura

5. The Union of India represented by the Secretary, Ministry of Women and Child Development, Government of India, Shastri Bhswan, New Delhi-110001

.....Respondent(s)

WA No.105 of 2026

Smt. Paisainda Mog, W/o Sri Chaisa Mog, R/o Mog Para, P.O. and P.S. Gondatwisa, District- Dhalai, Tripura

.....Appellant(s);

Versus

1. The State of Tripura to be represented by the Secretary, Govt. of Tripura, Dept. of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

2. The Secretary to the Govt. of Tripura, Department of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

3. The Director of Social Welfare & Social Education, Govt. of Tripura, Abhoynagar, P.O. Abhoynagar, Agartala, P.S. East Agartala, West Tripura, PIN-799005

4. The Child Development Project Officer, Dumburnagar ICDS Project, P.O. and P.S. Gondatwisa, District- Dhalai, Tripura

5. The Union of India represented by the Secretary, Ministry of Women and Child Development, Government of India, Shastri Bhswan, New Delhi-110001

.....Respondent(s)

WA No.106 of 2026

Smt. Janita Tripura, W/o Sri Sumanta Sarkar, R/o Uttar Gondatwisa, P.O. Saima, P.S. Gondatwisa, District- Dhalai, Tripura

.....Appellant(s);

Versus

1. The State of Tripura to be represented by the Secretary, Govt. of Tripura, Dept. of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

2. The Secretary to the Govt. of Tripura, Department of Social Welfare & Social Education, Civil Secretariat, P.O. Kunjaban, Agartala, West Tripura, PIN-799006

3. The Director of Social Welfare & Social Education, Govt. of Tripura, Abhoynagar, P.O. Abhoynagar, Agartala, P.S. East Agartala, West Tripura, PIN-799005

4. The Child Development Project Officer, Dumburnagar ICDS Project, P.O. and P.S. Gondatwisa, District- Dhalai, Tripura

5. The Union of India represented by the Secretary, Ministry of Women and Child Development, Government of India, Shastri Bhswan, New Delhi-110001

.....Respondent(s)

For Appellant(s)	:	Mr. P. Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Mr. Kawsik Nath, Advocate, Ms. Sangita Ruhi Das, Advocate, Mr. S.C. Majumder, Advocate.
For Respondent(s)	:	Mr. Bidyut Majumder, Deputy SGI, Mr. P. Gautam, Sr. G.A., Mr. D. Sarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Date of hearing : **14.10.2026**

Date of Judgment & Order : **11.11.2026**

Whether Fit for Reporting : **YES**

JUDGMENT & ORDER

(M.S. Ramachandra Rao, C.J.)

1) In this batch of Writ Appeals, the common judgment dt.4.7.2026 of the learned single Judge in W.P.No.218 of 2024 and batch is challenged.

2) Admittedly, after issuing an advertisement on 21.12.2022 for filling up of posts of Anganwadi Workers and Anganwadi Helpers in the Dumburnagar RD Block and Rahishyabari RD Block in various Anganwadi Centers, interviews were held on 14.6.2023, administrative approval was also granted on 4.8.2023 for the appointment of persons like appellants selected in the interviews, individual engagement orders were issued on 8.8.2023 to each of the appellants and they joined in the said posts thereafter.

3) On 26.2.2024 due to 'unavoidable reasons' the Child Development Project Officer (for short 'CDPO'), Dumburnagar ICDS Project, Dhalai District (Respondent No.4) cancelled the recruitment of the appellants.

4) This is challenged by appellants in the Writ Petitions before the learned single Judge.

The case of the appellants in the Writ Petitions

5) The appellants contended in the Writ petitions that such action of respondent no.4 is arbitrary, illegal, violates due process of law and needs to be quashed. The appellants also contend that the respondent no.4 had issued a Notice dt.1.3.2024 informing that an Interview Board-cum- Selection Committee was again formed of certain officials for fresh engagement of Anganwadi Workers and Anganwadi helpers in the posts in which they were working without terminating the engagement orders issued to the appellants individually. They contend that such cancellation was made without following principles of natural justice. According to the appellants, due to political interference, their engagement has been cancelled.

The case of the respondents in the Writ Petition

6) The respondents however contend that though the events as narrated by the appellants upto 26.2.2024 have happened, two deputations had been received by the CDPO-Dumburnagar objecting to the engagement process of the appellants as Anganwadi Workers and Anganwadi helpers.

7) According to them, thereafter two meetings were held under the Chairmanship of Member of Legislative Assembly and the SDM, Gandatwisa and in the meeting held on 3.11.2023, it was decided that the selected candidates should join their concerned Anganwadi centers and all kinds of support will be there from local administration. So an order dt.7.12.2023 was also issued to those Anganwadi Workers and Anganwadi helpers who could not join earlier.

8) It is further contended that some applicants who had participated in the interview but could not get selected by the interview board made

complaint that they have been working as substitute Anganwadi Workers and Anganwadi helpers. It is contended that on receipt of such complaints by the District Magistrate and Collector, Dhalai and on 12.1.2024 he had endorsed in the file for initiation of fresh engagement process from among the candidates who had submitted applications for engagements for the Anganwadi centers where the representations has been received without issuing any new advertisement.

9) On the basis of the said direction, letters dt.18.1.2024 and 23.2.2024 were issued by the District Inspector of Social Education, Dhalai to the respondent no.4 for fresh selection through interview from among the candidates who had submitted applications for engagements for the Anganwadi centers where the representations has been received, and so the Interview Board cum Selection Committee was formed again.

10) It is further stated that as only one Anganwadi Worker and Anganwadi helper is allowed per Anganwadi center, and since complaints were made against 8 persons selected in the interview on 14.6.2023, it was decided to cancel their engagement and call for fresh interview. It is stated that in response to the advertisement dt.26.2.2024, 32 candidates had attended the fresh interview, merit list of recommended candidates has been kept and no Anganwadi Workers and Anganwadi helpers has yet been disengaged from her service.

11) The respondents also refer to the guidelines framed on 17.1.2029 by the State Govt. for the engagement of Anganwadi Workers and Anganwadi Helpers under the umbrella ICDS Scheme of Tripura.

The judgment of the learned single Judge

12) The learned single Judge held that there is no impugned order under challenge in the Writ Petitions to say that there has been deprivation of legitimate rights of appellants in disengaging them from their services. He held that it is case where only under apprehension, the appellants after seeing the order dt.26.2.2024 refrained from attending their work.

13) While the learned single Judge noticed the contention of respondents that persons appointed should be from the locality/village and also the complaint that the appellants are non-locals, he held that there being no individual disengagement letter, the Writ is premature.

Consideration by the Court

14) Firstly, in our opinion, the learned single Judge erred in holding that there is no ‘impugned order’ under challenge in the Writ Petitions to say that there has been deprivation of legitimate rights of appellants in disengaging them from their service. The order dt.26.2.2024 fulfils the character of ‘impugned order’ and shows the deprivation of legitimate rights of appellants in disengaging them from their service.

15) Secondly we are of the view that the learned single Judge erred in holding that the Writ Petitions were premature. When there is a proceeding dt.26.2.2024 issued by respondent no.4 cancelling the recruitment of appellants, merely because the respondents contend that they have not yet been disengaged and individual disengagement letters were not given to the appellants, it cannot be said that they have no cause of action to approach this Court and the Writ Petition filed by them was premature. The Writ Petitions

filed by appellant were certainly maintainable and they have cause of action to file them and they are not premature.

16) Next, it is not denied that the respondent No.4 had issued an Advertisement on 21.12.2022, that the appellants had applied in response to it, that they were subjected to a process of selection by the Interview Board and engagement letters had been issued to them on the basis of which they had joined as Anganwadi Workers and Anganwadi Helpers.

17) In the material papers filed by respondents in the Writ Petition, they have filed:

(i) a letter dt.14.8.2023 of the CDPO, Dumburnagar ICDS Project to Director , Social Welfare and Social education Department enclosing a resolution by ‘locality of Gondatwisa’ signed by certain individuals; and

(ii) also a letter dt.11.8.2023 addressed by Respondent no.4 to the Director, Social Welfare and Social Education that the Tipra Motha party , a political party vide letter dt.11.8.2023 had made a demand regarding the above recruitment process and wanted the joining of these appellants be withheld.

18) Both the above referred documents state that (a) existing substitute workers and helpers must be given priority in the selection and (b) the eligible candidates who live and reside within the Anganwadi centre are or village must be considered and treated as eligible.

19) We shall consider these pleas by referring to the guidelines framed by the State referred to supra.

20) Clause 1 of the guidelines requires vacancies of Anganwadi Workers and Anganwadi Helpers to be advertised widely by the CDPO concerned.

Clause 2 prescribes the eligibility criteria. It states that only such female married/widowed candidates are eligible to apply for the post of Anganwadi Workers and Anganwadi Helpers who are normally residents of the village where the Anganwadi centre is located and belong to the feeder villages/wards of the Anganwadi area. It further states that freezing of list of families being covered by the feeder area of the Anganwadi centre will be ensured before starting the selection process and advertising of vacancies with due publicity. Only the residents of the area 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. Minimum education qualification prescribed is Matriculation for post of Anganwadi Worker and pass in Class VIII will be the minimum educational qualification for post of Anganwadi Helper. The age of the applicants should be between 18-45 years with 5 years relaxation for SC/ST/Divyangan candidates.

Clause 3 requires the applicants to submit testimonies /certificates i.e. address proof, age proof, educational qualification, citizenship, ration card, disability certificate (if applicable), caste certificate (if applicable) and these documents will be scrutinized by office of the CDPO.

Clause 4 states that there would be a walk-in interview by the Interview Board consisting of :

(i) Block Development Officer (in case of rural area)/Executive Officer of AMC Area/NP area - Chairman;

(ii) Medical officer (Block Area/ AMC Area/ NP area) - Member

(iii) Inspector of Schools (Block Area/ AMC Area/ NP area)- Member

(iv) Child Development Project officer (concerned Project) – Member

(v) The Interview Board cum Selection Committee shall award interview marks and prepare merit list.

Clause 7 states that the result will be declared by the Interview Board cum Selection Committee after taking approval from the Social Welfare and Social Education Department within 3 days of receipt of approval from the Department.

Clause 8 states that on the basis of results, the concerned CDPO will issue offer of appointment within 7 days of declaration of results.

Clause 9 provided for an appeal by an aggrieved person to the concerned District magistrate & Collector who is to decide the same within 15 days from the date of filing appeal.

21) There is no provision in these guidelines to give any priority to substitute Anganwadi Workers and Anganwadi Helpers as is contended in both these letters. So the said contention raised by them is untenable and cannot be the basis for cancelling the recruitment of the appellants.

22) Further, there is nothing placed on record by the respondents that the persons of ‘locality’ of Gondatwisa who passed the resolution on 14.8.2023 had applied for posts of Anganwadi Workers and Anganwadi Helpers advertised on 21.12.2022 and they were not selected by the Interview

Board wrongly. Such a resolution of persons of ‘locality’ cannot be treated as an ‘appeal’ by an ‘aggrieved person’ under Clause 9 of the guidelines by the District Magistrate and Collector and acted upon. It should have been ignored by him.

23) No doubt Clause 9 of the guidelines provides for a remedy of appeal to the District Magistrate by a person aggrieved by his non-selection. Which individual had filed such appeal challenging which appellant’s appointment has not been disclosed in the counter affidavit by the respondents. No copy of any such appeal has been placed before this Court by them.

24) Assuming that such appeals had been filed by any individual to the District Magistrate and Collector, the appellants should have been impleaded as parties in such appeals, and after an adjudication by a reasoned order, a decision can be taken by the District Magistrate and Collector. This process has not been followed by the District Magistrate and Collector.

25) Regarding the allegation that the appellants are not permanent residents of the concerned areas where the Anganwadi centers are located is concerned, though the District Magistrate and Collector, Dhalai had directed an inquiry on 10.1.2024 and such inquiry report was placed before him by the Addl. District Magistrate, Dhalai (on the basis of which the District Magistrate and Collector, Dhalai had directed fresh engagement process to be started on 12.1.2024), the said inquiry report has not been placed before this Court by the respondents. No reason is given why it is suppressed from this Court.

26) More importantly, there is nothing to show that the appellants were given any notice of such inquiry and given opportunity to rebut the allegation that they are not permanent residents of the area of the Anganwadi centre. Thus there is also violation of principles of natural justice.

27) On the basis of these two letters, without complying with principles of natural justice and without recording any finding that the appellants' are not permanent residents of the area of the Anganwadi center to which they are appointed, the District Magistrate and Collector, Dhalai could not have directed a fresh engagement process to be initiated. Such action of the District Magistrate and Collector and the consequent action of the Child Development Project Officer, Dumburnagar ICDS Project (Respondent no.4) are arbitrary, illegal and violative of Art.14 of the Constitution of India and principles of natural justice.

28) The Supreme Court in ***Maniben Maganbhai Bhariya v. Distt. Development Officer, Dahod***[1] held that after the enactment of the Food Security Act,2013, Anganwadi workers and Anganwadi helpers perform statutory functions. It was held:

> *" 24. In view of the provisions of the 2013 Act and Section 11 of the RTE Act, Anganwadi centres also perform statutory duties. Therefore, even AWWs and AWHs perform statutory duties under the said enactments. The Anganwadi centres have, thus, become an extended arm of the Government in view of the enactment of the 2013 Act and the Rules framed by the Government of Gujarat. The Anganwadi centres have been established to give effect to the*

[1] (2022) 16 SCC 343, at page 356

obligations of the State defined under Article 47 of the Constitution. It can be safely said that the posts of AWWs and AWHs are statutory posts."

29) This view has also been taken by a Division bench of this Court in judgment ***State of Tripura v. Dhayarung Reang and others and batch***[2] .

30) The services of the appellants who are holding such statutory posts under the Food Security Act,2013 cannot be disengaged in such an arbitrary fashion by the respondent no.4 because of complaint by the Tipra Motha Party or persons not aggrieved by their appointment.

31) It appears that both respondent no.4 and the District Magistrate and Collector, Dhalai allowed the political pressure of Tipra Motha party to influence them in the discharge of their duties and this vitiates their actions.

32) We may also point out that in the proceeding dt.26.2.2024 of the respondent No.4, the only reason assigned for cancelling the recruitment of the appellants was 'unavoidable reasons'. But the reason assigned for the cancellation of their recruitment in the counter affidavit is something entirely different. Lifting the veil by this Court has exposed the illegal and arbitrary actions of respondent no.4 and the District Magistrate and Collector, Dhalai.

33) For all the aforesaid reasons, we hold that the common judgment of the learned single Judge in the Writ Petitions cannot be sustained.

34) Accordingly, the Writ Appeals are allowed; common judgment of the learned single Judge dt.4.7.2026 in W.P.223 of 2024 and batch is set aside; the said Writ Petitions are allowed; the proceeding dt.26.2.2024 issued by respondent no.4 cancelling the recruitment of the appellants is set aside; the

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[2] W.A.No.101 of 2025 and batch dt.29.4.2026 (Division Bench)

appellants shall be allowed forthwith to discharge their duties as Anganwadi Workers and Anganwadi Helpers in the places where they had been appointed and joined; and they shall be paid full honorarium for the period from 26.2.2024 till date within 8 weeks unless they had been paid wages in this intervening period by the respondents. They shall continue to be paid the said honorarium in future as well by allowing them to discharge their respective duties. The respondent no.4 shall also pay costs of Rs.5,000/- to each of the appellants within 8 weeks.

(S. DATTA PURKAYASTHA, J) **(M.S. RAMACHANDRA RAO, CJ)**

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