



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO.1355 OF 2023

Anganwadi Karmachari Sanghatana & Ors ...Petitioners
Versus
ICDS Commissionerate
Through the Commissioner & Anr ...Respondents

WITH

WRIT PETITION NO.3854 OF 2021

Anganwadi Karmachari Sanghatana ...Petitioners
Through Ors
Versus
Union of India
Through the Ministry of Women & Child
Development & Ors ...Respondents

**Ms Gayatri Singh, Senior Advocate, with Hamza Lakdawala, for
the Petitioners.**

**Mr RV Govilkar, Senior Advocate, with Mayuresh Lagu & DP
Singh, for Respondent No. 1-UOI.**

Mrs AA Purav, AGP, for the Respondent-State.

Mr Anand M Khandagale, Nodal Officer (Poshan Abhiyan) is present.

**Mr Sunil Sardar, Under Secretary, Woman & Child Welfare
Department is present.**

**Mr DP Jadhav, Section Officer, Woman & Child Welfare Department
is present.**

**CORAM G.S. Patel &
Neela Gokhale, JJ.**

DATED: 21st June 2023

PC:-

1. Mrs Purav, learned AGP, tenders a copy of a communication dated 16th June 2023 from the Secretary of the Women and Child Development Department, Maharashtra State to the Secretary, Ministry of Women and Child Development of the Union Government. The copy is taken on record and marked 'X1' for identification with today's date. The request from the State Government to the Central Government is to allow a certain amount to be utilised for the purchase of mobile phones. An amount of Rs. 43,17,27,628/- is unspent under the Poshan Abhiyan Scheme itself. There is also a request to sanction an additional Central share of Rs. 25,18,77,524/- for the purchase of mobile phones.

2. We do not know what the view of the Central Government is. These Departments have email addresses and we see no reason why this request should be pending for so long given that the matter itself is not new. It has been before us since 2022 or even earlier. There is no dispute about the 60:40 Central-State share for the purchase of replacement mobile phones. The only question is about the funding. Specifically, the State Government has sought approval to utilize unspent Central Government funds and has sought the sanction and release of additional funds from the Central Government share, for this purpose.

3. We direct the Secretary, Ministry of Women and Child Development, New Delhi to instruct the Advocates for the Union by

Friday, 23rd June 2023. Formal communications may follow thereafter.

4. We note the statement by Mrs Purav, learned AGP, on instructions of Mr Khandagle, Nodal Officer, Poshan Abhiyan, Mr Sardar, Under Secretary and Mr Jadhav, Section Officer, Women and Child Welfare Department that, in the meantime, administrative approval has been obtained for the tender for the purchase of mobile phones through the GeM Portal according to the 2016 procurement policy. This statement is noted. Obviously, the funding will need to be in place before that process can be completed.

5. We have made it clear to both Governments that this process cannot be delayed indefinitely. Paragraph 3 of the communication that Mrs Purav has tendered itself shows the sheer absurdity of the present situation. Anganwadi workers have non-functional handsets or mobile phones. Because they are non-functional, Anganwadi workers cannot enter data. Because they cannot enter data (and that is because the handsets are non-functional), the Anganwadi workers are not given an incentive. And if all this is not bad enough and the stuff of a bureaucratic nightmare, we are now told that no provision has been made for subsequent years for any form of incentive to Anganwadi workers. This is the sum and substance of what paragraph 3 says, and we make it clear to both Governments that this is entirely unacceptable. The process must be corrected, and that correction begins by procuring, taking delivery, and distributing working mobile phones or handsets compatible with the Poshan

Tracker app. Both Governments are advised to prioritise this matter, not leave it to the Court, and not to precipitate a situation where the Court is compelled to fix a timeline for this to be completed.

6. List the matter on Friday, 23rd June 2023.

(Neela Gokhale, J)

(G. S. Patel, J)