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**Union Territory of Jammu and Kashmir
Social Welfare Department
Civil Secretariat, J&K**

Government Order No. 228 JK (SWD) of 2022
Dated: 12.12.2022

Subject: LPASW no. 161 of 2017 in SWP 106/2010, titled Rakia Begum v/s State of J&K and Ors; Hon'ble High Court Judgment/order dated 04.03.2021; Rectification/modification of Government order no.202-SW of 2008 dated 07.04.2008; regarding.

Whereas, the Department of Social Welfare in the year 2008, under the 2nd phase of ICDS expansion, accorded sanction to the establishment of 419 additional Anganwadi centers in existing ICDS projects in District Poonch, vide Govt. order no. 202-SW of 2008 dated 07.04.2008;

Whereas, in the said order at S. No. 22 one of the Anganwari Centres was notified at Ward no. 5 "Masjid Mohalla" in Panchayat Surhoti, Tehsil Mendhar. Accordingly, an advertisement was issued on 16th April 2008 inviting applications from eligible candidates living in the aforesaid Ward for engagement as Anganwari Workers;

Whereas, during the selection process a dispute arose as to whether the Anganwadi centre at 'Masjid Mohalla' falls under Ward no. 5 or under ward no. 7 of Village Surhoti Tehsil Mendhar District Poonch, as residents of ward no. 7 claimed that Masjid Mohalla falls under ward no. 7;

Whereas, litigation started before the Hon'ble High Court, as different writ petitions were filed on the subject between the rival contenders, as such the selection process could not be completed;

Whereas, in writ petition no. SWP 106/2010, titled Baiquis Fatima v/s State of J&K and Ors., the Hon'ble High Court vide its order/judgment dated 30.03.2017 held that in view of the inquiry stated to be conducted by the local authorities, the aforesaid Anganwadi centre falls under ward no. 7, but was erroneously reflected as falling under ward no. 5;

Whereas, the above order was challenged by one, Rakia Begum before the Division Bench, in LPA no. 161 of 2017, titled Rakia Begum v/s State of J&K and Ors;

Whereas, The Hon'ble Court while deciding the aforesaid LPA on 04.03.2021 partly modified the writ Court order dated 30.03.2017 passed in SWP 106/2010 and directed as under:

9. "...Accordingly, the appeal is partly allowed and the impugned judgment and order dated 30.03.2017 is modified to the extent it directs to treat Anganwari Centre Mohalla Masjid as falling under Ward No. 7 instead of Ward No. 5, with the direction that the Ward of the said Centre would continue to be the same as mentioned in the Government Order dated 07.04.2008 until and unless the same is modified and corrected.

10. Any person selected and engaged to work on the above centre would be entitled to remuneration for the period he/she has actually worked as Article 23 of the Constitution of India prohibits beggar."

Whereas, with a view to ascertain the exact status of Anganwadi center in question and to have a holistic view of the requirement of the beneficiaries, a report was called from Mission Director Poshan, which was furnished on 29.11.2022. The perusal of the same suggests that there are 09 Wards in Panchayat Surhoti, having a total population of 2629 souls and there are 11 Anganwadi Centers which are fully functional in whole Panchayat, while couple of Anganwadi centers have enrollment of less than 15 beneficiaries none of them have more than 35 beneficiaries. Further, there are three Anganwadi centers already functional in ward no. 5, and one Anganwadi center is functional in ward no.7;

Whereas, keeping in view the ground situation as reported by Mission Director Poshan, especially having regard to the fact that 4 Anganwadi centres already functional in Panchayat Surhoti, having the enrollment of 25,14,18 and 20 beneficiaries respectively, establishing an additional centre in the Panchayat would be a wasteful expenditure and would not serve public purpose;

Whereas, the norms for recruitment for anganwadi workers and helpers stand revised vide Government Order No.222-JK(SWD) of 2022 dated 30.11.2022 as such, the earlier process started in 2008 and having not been completed as yet, has become null and void;

Whereas, the Government has already initiated an exercise for rationalization and is in the process of closing/shifting Anganwadi Centers with less enrollment and therefore, opening of such centers would not be justified;

Whereas, the Competent Authority is of the considered view that the establishment of any additional Anganwadi center in ward no. 5 or ward no.7 in Panchayat Surhoti Tehsil Mendhar is totally without need and would burden the Government Exchequer, having least public utility;

Therefore, the Government order no.202-SW of 2008 dated 07.04.2008, so far as it relates to s.no.22 and requires the establishment of additional Anganwadi centre at Masjid Mohalla Ward no. 5 in Panchayat Surhoti is withdrawn and deemed to be non-existent *ab-initio*.

By order of Government of Jammu and Kashmir

Sd/

Sheetal Nanda, IAS
Commissioner Secretary to the Government
Social Welfare Department

No. SWD-Lit/99/2021-02

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Commissioner/Secretary to the Government, General Administration Department.
3. Mission Director, Poshan, J&K.
4. Sh. Suraj Singh, Government Advocate J&K High Court Jammu for information and appraisal of Hon'ble High Court of J&K at Jammu.
5. Pvt. Secy. to the Commissioner/Secretary to the Government, Social Welfare Deptt.
6. Concerned official.
7. I/c website.
8. Government Order file.

Dated: 12.12.2022

Under Secretary to the Government
Social Welfare Department

Kafia Nabi

