

GAHC010036112024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/963/2024

PRITIMONI GOGOI AND 3 ORS.

D/O- UPENDRA NATH GOGOI, R/O- BHULA COLONY, WARD NO. 14, P.O.
CHEREKAPAR, DIST. SIBASAGAR, PIN- 785701, ASSAM

2: DIPANJALEE DEVI

D/O- TARUN CHANDRA NATH
R/O- C/O- PRANJIT NATH
VILL.- SOUTH HAIBARGAON
P.O. HAIBARGAON
P.S. SADAR
DIST. MAGAON
PIN- 782002
ASSAM

3: PLABITA DAS

D/O- CHANDRA NATH DAS
R/O- VILL.- ATHAKATIA
P.O. AZAD
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
PIN- 787031
ASSAM

4: PRASTUTI BHUYAN

D/O- SRI MINARAM BHUYAN
R/O- KOCHGAON
WARD NO. 1
P.O. AND P.S. BISWANATH CHARIALI
DIST. SONITPUR
ASSAM
PIN- 784176

VERSUS

UNION OF INDIA AND 4 ORS
REPRESENTED HEREIN BY THE SECRETARY TO THE GOVERNMENT OF
INDIA, MINISTRY OF WOMEN AND CHILD DEVELOPMENT, ADDRESS-
SHASTRI BHAWAN, NEW DELHI-110001.

2:STATE OF ASSAM
REP. HEREIN BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
ADDRESS- 1ST FLOOR
D-BLOCK
JANATA BHAWAN
DISPUR
GHY
PIN- 781006
DIST. KAMRUP(M)
ASSAM

3:THE DIRECTOR
DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT
GOVT OF ASSAM
UZAN BAZAR
GHY
PIN- 781001
DIST. KAMRUP(M)
ASSAM

4:THE STATE CHILD PROTECTION SOCIETY
(A GOVT. OF ASSAM UNDERTAKING)
REP. BY ITS MEMBER SECRETARY
SURVEY BUS STOP
BELTOLA ROAD
GUWAHATI-781028
DIST. KAMRUP(M)
ASSAM

5:THE STATE MISSION DIRECTOR
MISSION VATSALYA
SURVEY BUS STOP
BELTOLA ROAD
GUWAHATI-781028
DIST. KAMRUP(M), ASSAM

Advocate for the Petitioner : MR. M PHUKAN
Advocate for the Respondent : DY.S.G.I.

ORDER

Heard Mr. M. Phukan, learned counsel for the petitioners. Also heard Mr. T.C. Chutia, learned Additional Senior Government Advocate for the respondents.

2. Pursuant to an advertisement dated 02-12-2013, the petitioner Nos. 1, 2 and 3 applied for the post of Protection Officer for Institutional Care for District Child Protection Unit. They were successful and consequently by office order dated 10-12-2015, they were engaged as Protection Officer for Institutional Care for District Child Protection Unit.

3. The petitioner No. 4 was selected and engaged as Legal-cum-Probation Officer for District Child Protection Unit by office order dated 27-01-2016.

4. The Ministry of Women and Child Development, Government of India/respondent No.1, introduced a Centrally Sponsored Scheme, named, "Child Protection Services (CPS) Scheme", which was subsequently renamed as "Mission Vatsalya". The Scheme is meant for welfare and rehabilitation of children in difficult circumstances. The respondent No. 1, by communication dated 05-07-2022 circulated the guidelines for implementation of "Mission Vatsalya". In the said guidelines, the indicative qualification of staff of DCPU under "Mission Vatsalya", particularly, with respect to the post of District Child Protection Officer is as under:

Sl. No.	Positions	Eligibility Criteria
1	District Child Protection Officer (DCPU)	<p><i>Post Graduate degree in Social Work/Sociology/Child Development/Human Rights Public Administration/ Psychology/ Psychiatry/ Law/ Public Health/ Community Resource Management from a recognized University.</i></p> <p><i>At least 3 years of experience of working with the Govt./Non-Government Organization in Documentation, training & Capacity Building, Project formulation/ implementation, monitoring and supervision preferably in the field of Women & Child Development/Social Welfare.</i></p> <p><i>Proficiency in Computers.</i></p>

5. The Director, Women and Child Development, Assam, issued an advertisement dated 27-09-2023 inviting applications for appointment to various posts under the "Mission Vatsalya" including the post of District Child Protection Officer. In the said advertisement, the eligibility criteria for the post of District Child Protection Officer was in terms of the guidelines, issued by the Ministry of Women and Child Development, Government of India, vide Notification dated 05-07-2022. The petitioners also applied for the post of Child Protection Officer.

6. On 17-02-2004, the respondent No. 3 published two lists in the official website; one consisting of shortlisted candidates for appearing in the examination for selection and the other consists of the names of the applicants, whose candidature have been rejected.

7. The names of the petitioners appeared in the list of rejected candidates.

The ground for rejection was that the petitioner Nos. 1 and 2 were having Post-Graduate Degree in Home Science; the petitioner No. 3 was having M.A. in Anthropology and the petitioner No. 4 was having Diploma in Management.

8. Being aggrieved by the rejection of their candidatures, the petitioners are before this Court by way of the present writ petition.

9. The learned counsel for the petitioners submits that the respondent No. 3 erred in construing the guidelines relating to eligibility criteria inasmuch as the petitioner Nos. 1 and 2 are Post-Graduate degree holders in Home Science, which covers studies in social work, sociology, child development, human rights and public administration. Therefore, the petitioner Nos. 1 and 2 fulfil the eligibility criteria. As regards the petitioner No. 3, it is submitted that the Master degree in Anthropology is an allied subject of sociology and, therefore, the candidature of the respondent No. 3 should not have been rejected. The other ground taken by the learned counsel for the petitioner is that in the list of shortlisted candidates dated 17-02-2024, one candidate, namely, Poppy Das has been included and it is within the knowledge of the petitioners that Poppy Das also does not have the prescribed qualification in terms of the advertisement.

10. Considering the allegation made by the petitioners that Poppy Das does not have the eligibility criteria but her name has been shortlisted, this Court, on 22-02-2024, directed the learned Additional Senior Government Advocate to take instructions as to whether Poppy Das with I.D. No. 20 has

the qualification prescribed in the advertisement for the post of District Child Protection Officer.

11. Today, when the matter is taken up, the learned Additional Senior government Advocate has produced the final list of applicants for various posts under “Mission Vatsalya”, whose applications have been rejected (Post-wise) on various grounds. Therein, the name of Poppy Das with I.D. No. 20 is also amongst the rejected candidates on the ground that she is MA in Development studies.

12. Considering the final list of rejected applicants, this Court is of the considered opinion that the ground taken by the petitioners that the said Poppy Das has been shortlisted is found to be incorrect.

13. This Court has also taken into consideration the submission of learned counsel for the petitioners that the petitioner Nos. 1 and 2 are Post-Graduate Degree holders in Home Science, which covers Social Work/Sociology/Child Development/Human Rights Public Administration/ etc. and the petitioner is holding the degree of Master in Anthropology, which is an allied subject of sociology. This Court has considered the communication dated 05-07-2022 by which the guidelines with regard to the indicative qualification of various posts under “Mission Vatsalya” has been circulated. The advertisement dated 27-09-2023, issued by the respondent No. 3 by which the eligibility criteria for the District Child Protection Officer has also been considered. On consideration, this Court finds that the respondent No. 3

has followed the guidelines with regard to the eligibility criteria for the post of District Child Protection Officer as provided in the guidelines circulated on 05-07-22 by the Ministry of the Women and child Development.

14. In that view of the matter, this Court does not find any merit in the present writ petition and the same is accordingly dismissed. However, with no order as to costs.

JUDGE

Comparing Assistant