

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**  
**CWP No.7748 of 2021**  
**Decided on:12.01.2023**

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Babli Devi .....Petitioner

Versus

State of Himachal Pradesh & Ors. ...Respondents

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**Coram:**

**Hon'ble Ms. Justice Sabina, Judge.**

**Hon'ble Mr. Justice Sushil Kukreja, Judge.**

Whether approved for reporting?

For the petitioner : Mr. Vikas Rajput, Advocate.

For the respondents : Ms. Seema Sharma, Dy. Advocate General, for respondents No.1 to 6.

Mr. Vishwa Bhushan, Advocate,  
for respondents No.7 & 8.

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**Sabina, Judge** (Oral).

Petitioner has filed the writ petition under Article 226  
of the Constitution of India, seeking the following relief(s):-

- “a. That writ in the nature of Certiorari may kindly be issued and notification dated 17.11.2021 (Annexure P-5) may kindly be quashed and set aside qua advertisement of one post of Anganwadi worker at Anganwadi Centre Tansal (Sr. No.1 of notification) in Gram Panchayat Bag, Tehsil Lad Bharol, District Mandi.*
- b. That writ in the nature of Mandamus may kindly be issued directing the respondents to consider the case of petitioner for transfer from Anganwadi Centre Kharas Circle Utrala, Tehsil*

*Bajnath to Anganwadi Centre either  
Tansal or Jatehar in Gram Panchayat  
Bag, Tehsil Lad Bharol, District Mandi.”*

2. Learned counsel for the petitioner has submitted that the petitioner was appointed as Anganwari Worker in Anganwari Centre Kharas Circle Utrala, Tehsil Bajnath, District Kangra. Petitioner got married to Naryan Singh in the year 2009. As per the Revised Guidelines, issued by the respondent-State, in case of marriage of an Anganwari Worker, request could be made for transfer to a place where she was residing after her marriage on accrual of vacancy. One post of Anganwari Worker fell vacant at Anganwari Centre Jatehar in Gram Panchayat Bag in July, 2021. Petitioner approached respondent No.1 seeking her transfer to Anganwari Centre Jatehar. However, respondent No.4 transferred Sonam from Anganwari Centre Tansal to Anganwari Centre Jatehar without any provision in this regard.

3. Learned Deputy Advocate General, on the other hand, has opposed the petition and has submitted that as per 2016 Guidelines, petitioner could have sought her transfer to the place of her husband's normal place of residence/place of marriage or within the Panchayat area concerned, if request was made within one month from the date of vacancy or the

date of marriage. In the present case, petitioner had failed to move representation seeking her transfer to Anganwari Centre Jatehar within one month of the accrual of the vacancy. Learned Deputy Advocate General has further submitted that the petitioner has moved representation seeking her transfer to Anganwari Centre Tansal on 20.11.2021 vide Annexure R-1.

4. As per Guidelines issued by the Department of Social Justice and Empowerment, dated 29.02.2016, transfer/adjustment of Anganwari Workers/Helpers could be as under:-

***“4. Transfer/Adjustment of the Anganwadi Workers/ Helpers***

*Under ICDS programme there is no provision of transfer of Anganwadi Workers/Helpers as these are honorary workers. However, only in case of marriage of AWW or AWH ,some adjustments can be done as follows, a vacancy exists arises at the place of her husband's normal place of residence/place of marriage or within the Panchayat area concerned,she can be adjusted on her request made within one month from date of vacancy arising or date marriage as the case may be.Divorce/ destitute women living with their parents in Anganwadi area, but working at the place of marriage can be transferred to the place of Anganwadi falling in the parental area or within the Panchyat area in a similar manner subject to the availability of vacancy. Distt.Programme Officer will be the competent authority to order transfer/adjustment of Anganwadi Worker/Helpers within the District.Outside district transfers will be done with the approval of Director WCD. Transfer/Adjustment of the Mini Anganwadi Workers.*

*Under ICDS programme there is no provision of transfer of Mini Anganwadi Workers as*

*these are honorary workers. However, only in case of marriage of Mini Anganwadi Workers, some adjustments can be done as follows, a vacancy exists arises at the place of her husband's normal place of residence/place of marriage or within the Panchayat area concerned, she can be adjusted on her request made within one month from date of vacancy arising or date marriage as the case may be. Divorce/ destitute women living with their parents in Mini Anganwadi area, but working at the place of marriage can be transferred to the place of Mini Anganwadi falling in the parental area or within the Panchayat area in a similar manner subject to the availability of vacancy."*

5. Petitioner had got married in the year 2009 and had started residing within the jurisdiction of Gram Panchayat Bag. It is the case of the petitioner that first vacancy arose in Anganwari Centre Jatehar on 31.07.2021. Although, petitioner has stated that she had moved a representation seeking her transfer to Anganwari Centre Jatehar within one month of the accrual of the vacancy, but no such representation moved by the petitioner is available on record.

6. As per the reply filed by the State, vacancy had arisen in Anganwari Centre Tansal on 01.10.2021. The representation moved by the petitioner seeking her transfer to Anganwari Centre Tansal has been placed on record by the respondent-State with their reply as Annexure R-1 and the same is dated 20.11.2021.

7. Thus, in the present case, so far as the vacancy which had arisen at Anganwari Center Jatehar, there is no representation available on record moved by the petitioner seeking her transfer to the said Centre within one month of the accrual of the vacancy.

8. So far as Anganwari Centre Tansal is concerned, the application had been moved by the petitioner seeking her transfer to the said Centre after one month of the accrual of the vacancy.

9. In these circumstances, the petition filed by the petitioner is liable to be dismissed as the same does not fall within the guidelines issued by respondent-State on 29.02.2016.

10 Dismissed.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

**( Sabina )**  
**Judge**

**( Sushil Kukreja )**  
**Judge**

**January 12, 2023**  
**(Yashwant)**