

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2712 of 2015

- Smt. Maya Khatik W/o Bhim Singh Khatik, Aged About 45 years  
R/o Anganbadi Karyakarta Kendra, Kachhahri Para, Ward No. 11,  
Baikunthpur, District Koriya (Chhattisgarh)

---- Petitioner

**Versus**

- State of Chhattisgarh Through Secretary, Women And Child  
Development Department, Mahanadi Bhawan, Naya Raipur,  
District Raipur (Chhattisgarh)
- District Program Officer, Women and Child Development  
Department, Baikunthpur, District Koriya (Chhattisgarh)
- Project Officer, Integrated Child Development Scheme,  
Baikunthpur, District Koriya (Chhattisgarh)

---- Respondent s

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For Petitioner

Mr. Anup Majumdar, Advocate

For Respondent/State

Mr. P.K. Bhaduri, Government Advocate

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Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/7/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner is working as Aanganbadi worker. Her original place of posting is Junapara Sardi, Project Area, Churcha.

(3) Since the post of Anganbadi worker was vacant at Kachharipara, Baikunthpur, the petitioner was directed to temporarily officiate at the said place by the order issued by the Project Officer on 17.06.2013.

Since the process of appointment of regular Anganbadi Worker at Kachharipara has now been completed, the petitioner has been reverted back to her original place of appointment by the impugned communication -Annexure P/3.

(4) Mr. Majumdar, learned counsel for the petitioner, would submit that the Aanganbadi Centre at Junapara Sardi, is about 12 kms away from Kachharipara and the petitioner having been directed to work at Kachharipara by the District Program Officer, a different order cannot be passed by the Project Officer. He further submits that the post of Aanganbadi worker is still lying vacant at Kachharipara.

(5) The impugned communication- Annexure P/3 clearly states that the process of regular appointment of Aanganbadi worker at Kachharipara has already been completed. Thus, the argument to the contrary is not acceptable.

(6) Admittedly, the petitioner was appointed as Aanganbadi worker of Junapara Sardi and was never appointed or absorbed to work at Kachharipara. Her temporary/officiating placement at Kachharipara occasioned on account of the fact that the post of Aanganbadi worker at Kachharipara was lying vacant and the members of the locality had raised a grievance regarding absence of Aanganbadi worker. Thus, her officiating placement at Kachharipara was on account of obtaining administrative exigency, which is not continuing in view of the completion of process of appointment of Aanganbadi worker at Kachharipara.

(7) The petitioner having no right to remain at Kachharipara, a writ of mandamus allowing her to remain posted at Kachharipara cannot be

issued. Even otherwise, the impugned order nowhere impinges any of the service conditions of the petitioner nor she is going to suffer any adverse consequence, therefore, there is no cause of action for filing the writ petition. The writ petition is accordingly dismissed.

Sd/-

Judge

**(Prashant Kumar Mishra)**

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