

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 15677 of 1997(O&M)
DECIDED ON : 05.10.2016**

Santosh Kumari

...Petitioner

versus

The State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. Bhag Singh, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Ms. Sheenu Sura, Advocate
for respondent No.5.

RAJIV NARAIN RAINA, J. (ORAL)

The selection of the private respondents cannot be upset after 19 years of service as anganwari workers. It would neither be fair nor equitable to dislodge them at this stage. Even assuming that the order is not wholly valid, even then, the petitioning anganwari aspirant cannot claim appointment solely on the ground that she is more meritorious than others who were selected. These post of anganwari workers are not civil posts,

though the stake-holders have a right to invoke the writ jurisdiction. The writ is maintainable in a matter of selection of anganwari workers in view of Full Bench ruling of the Allahabad High Court in "**Smt. Sheela Devi v. State of U.P**" 2010 (26) **SCT 84**. The High Court dealt with and noticed and decision of the Supreme Court in "**State of Karnataka v. Ameerbi**" (2007) 11 **SCC 681**. Besides, mala fides have not been alleged against any of the officers who made the selection as none of them have been arrayed as parties by name.

Ms. Shruti Jain Goyal appearing for the State of Haryana has referred to a Division Bench judgment of the Rajasthan High Court in "**Baby Choudhary v. State of Rajasthan and Ors.**" 2015 (4) **SCT 105**, holding that the Angarwadi workers are not protected by any statutory scheme. Their appointment is not on a post under any statute and the State Government is not required to comply with the constitutional scheme of equality in appointments. No process of selection for the purpose of their appointment known to the constitutional scheme under Articles 14 and 16 of the Constitution of India existed. They have no statutory right to hold the posts. Their appointments cannot be challenged on the basis of evaluation of Articles 14 and 16 of the Constitution of India. Moreover, the appointments of Anganwari workers are offered through the portal of the Integrated Child Development Scheme (ICDS), a program sponsored by the Central Government for

implementation in the constituent States in India, including Haryana.

No valid ground exists or is made out for interference in this matter after two decades of selection and appointment and the petition is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

OCTOBER 05, 2016

shalini/monika

Whether speaking/reasoned : Yes

Whether reportable : No