

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

CWP No.5889 of 2016

Date of decision: 30.03.2016

Usha Rani and others

...Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Chatrath, Advocate,
for the petitioners.

RITU BAHRI, J.

The petitioners are seeking direction to the respondents to absorb them with effect from the date when similarly situated persons have been absorbed pursuant to the approval granted vide noting dated 05.02.2011/11.02.2011 (Annexure P-6).

Learned counsel for the petitioners has referred to the approval (Annexure P-7) granted by the Chief Minister to the proposal of transfer of 'Bachpanshalas' to the Women & Child Development Department. In compliance of the said approval, 480 'Bachpanshalas' have since been transferred to the Women & Child Development Department. A legal notice dated 02.09.2015 (Annexure P-9) has been given by the petitioners to the respondents for complying with the approval granted vide Annexure P-7. To this notice, reply dated 04.11.2015 (Annexure P-10) has been given by the Director, Women & Child Development Department, wherein it has been admitted as under:-

“(d) In Principle approval to transfer the remaining

Bachpanshalas from Sarv Shiksha Abhiyan to WCD Department has also been granted by Hon'ble CM, so that as and when the sanction of new AWCs in the areas of Bachpanshalas is received or if the vacancies of Anganwadi Worker/Volunteer of Bachpanshalas and helper of AWC/helper of Bachpanshala exist, Bachpanshalas can be taken over by the department.

(e) That a total 489 Bachpanshalas have been transferred to this department. There is no vacancy of Anganwadi workers and Anganwadi helper in any district which can be merged to Bachanpanshala.”

In the absence of vacancies, the department has shown its inability to transfer the 'Bachpanshala'. However, the petitioners have placed on record advertisement (Annexure P-11) regarding vacant posts of 'Anganwadi Workers and Helpers'.

After going through the advertisement (Annexure P-11), the stand taken by the respondents in reply (Annexure P-10) to legal notice does not seems to be correct.

At this stage, without expressing any opinion on the merits of the case, this petition is disposed of by giving a direction to the respondents to pass a fresh order on the legal notice dated 02.09.2015 (Annexure P-9) by taking into consideration the availability of posts as per advertisement (Annexure P-11) within a period of three months and justify how 480 Bachpanshalas have been adjusted.

30.03.2016
ajp

(RITU BAHRI)
JUDGE