

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

**CWP No. 12804 of 1997
Date of Decision: 15.02.2017**

Manjit Kaur & Others

...Petitioners

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab
for respondent Nos. 1 to 5.

None for respondent Nos. 6 to 41.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking a writ of Certiorari for quashing the selection/appointments of respondent Nos. 6 to 41 with a further prayer for issuance of a writ of Mandamus directing the official respondents to issue a fresh advertisement for filling up the posts of Aanganwari Workers giving opportunity to all.

The petitioners are aggrieved against the selection that was made and appointments given to the private respondents alleging that the official respondents had neither advertised the said posts of Aanganwari Workers in any newspaper nor were the names called for from the Employment Exchange. It is further alleged that the entire process of selection was kept secret.

Per contra, counsel appearing on behalf of the official respondents submits that this writ petition is not maintainable in view of the fact that Aanganwari Workers are the workers under a welfare scheme and

the procedure for recruitment is not under any service rule framed under Article 309 of the Constitution of India. It is argued that Aaganwari Workers did not carry on any function of the State and recruitment rules *per se* would not be applicable in their case. In this regard, he placed reliance upon a judgment rendered by the Apex Court in ***State of Karnataka & others vs. Ameerbi & others, 2007 (11) SCC 681.***

I have heard learned State counsel and in view of an order passed by a co-ordinate Bench of this Court in ***CWP No. 6459 of 2013*** titled as ***Smt. Lachhmi vs. State of Punjab and others***, decided on 10.05.2016, wherein, the co-ordinate Bench, keeping in view the ***Ameerbi's*** case (supra), declined to interfere. Resultantly, this Court is also of the opinion that no writ would be maintainable in the instant case by relying upon the judgment referred to above.

Hence, the instant writ petition is dismissed as not maintainable.

February 15, 2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No