

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

CWP No. 4624 of 2013 (O&M)

Date of decision: January 19, 2017

Nirmal Kumari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rahul Dev Singh, Advocate,
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

JAISHREE THAKUR, J.

1. The instant writ petition under Article 226 of the Constitution has been preferred seeking issuance of a writ in the nature of Mandamus directing the respondents to consider the petitioner on the post of Anganwari Worker instead of Anganwari Helper, by considering her 50% disability. The petitioner herein applied for the post of Anganwari Worker in response to the public notice issued by the Department of Social Security and Women and Child Development. The petitioner apart from being matriculate also had necessary Nursery Teacher's Training certificate. At the time of submission of her application form, all the necessary certificates were attached and she was appointed as Anganwari Helper.

2. Learned counsel for the petitioner herein contends that the claim of the petitioner should have been considered for the post of

Anganwari Helper and not on the post of Anganwari Worker because of her 50% disability. The work of Anganwari Helper is more arduous than that of Anganwari Worker and, therefore, she should be appointed against the post of Anganwari Worker.

3. A written statement has been filed in which a categorical stand has been taken that the petitioner herein had in fact applied for the post of Anganwari Worker and as such she was appointed as Anganwari Worker. It is contended that the petitioner willingly accepted the post of Anganwari Worker and joined as such and she did not raise any objection at the time of joining as far back as in 2009 and, thus, there is no ground made out for shifting her to the post of Anganwari Worker. It is also submitted that the post of Anganwari Worker carries higher pay scale and it is only on account of this fact that the petitioner is seeking to be adjusted against the said post.

4. I have heard learned counsel for the parties and have perused the record produced in Court today.

5. Admittedly, the petitioner herein had applied for the post of Anganwari Helper. It is also not disputed that subsequent to the appointment letter being issued to her she willingly joined the post of Anganwari Helper. The job description and the responsibility of both the Anganwari Worker and Anganwari Helper have been detailed in the additional affidavit filed before this Court and the same are re-produced hereunder along with the salaries of the said two posts.

“The job responsibilities of Anganwari Worker (AWW):-

- i. To weigh each child every month, record the weigh in

graph on the growth card, use referral card for referring cases of mothers-children to the sub-centres/PHC etc., and maintain child cards for children below 6 years and produce these cards before the visiting medical and para-medical personnel.

- ii. To carry out of quick sample census of all the families, especially mothers and children in those families in their respective areas of work.
- iii. To organize non-formal pre-school activities in an anganwari for about 40 children in the age group 3-5 years of age and to help in designing and making of toys and play equipment of rural character and origin for use in anganwari.
- iv. To organize supplementary nutrition feeding for children (0-6 years) and expectant and nursing mothers by planning the menu based on locally available food and local recopies.
- v. To provide health and nutrition education to mothers.
- vi. To make home visits for educating parents to enable mothers to plan an effective role in the child's growth and development particularly in the case of children attending the anganwaris.
- vii. To elicit community support and participation in running the programme.

- viii. To assist the PHC staff in the implementation of health component of the program viz immunization, health check-up etc.
- ix. To maintain routine files and records.
- x. To bring to the notice of the CDPO any development in the village which requires further attention particularly in regard to the work of the coordinating arrangements of different departments in the village.
- xi. To maintain liaison with other institutions (Mahila Mandals) and involve lady school teachers and girls of the primary/middle schools in the village which have relevance to her functions.

The job responsibilities of Anganwari Helper (AWH):-

- i. To cook and serve the food to children and mothers.
- ii. To clean the anganwari premises daily and fetching water.
- iii. Cleanliness of small children.
- iv. To bring small children collecting from the village to anganwari .

The statement of salaries of said two posts is as under:-

<i>S No.</i>	<i>Name of Post</i>	<i>Honorarium Central Fund</i>	<i>Honorarium State Fund</i>	<i>Total</i>
1	Anganwari Worker (AWW)	Rs. 3000/-	Rs. 2500/-	Rs. 5500/- per month
2	Anganwari Helper (AWH)	Rs. 1500/-	Rs. 1250/-	Rs. 2750/- per month

A comparison of the job responsibility of both the posts clearly

show that the job of Anganwari Worker is much more arduous than that of Anganwari Helper, who is only required to clean the anganwari premises and cook food and serve the same to the children and mothers, maintain cleanliness of the small children and to bring them from the village to the anganwari. As compared to the job of Anganwari Helper, the job of Anganwari Worker would entail much walking, making home visits for educating parents to enable mothers to plan an effective role in the child's growth; to elicit community support; to interact with the CDPO with regard to any development in the village, as detailed above. Therefore, the plea that the work of the Anganwari Worker is not so arduous as that of Anganwari Helper is not sustainable. Moreover, it is noted that after having willingly given her consent to be appointed to the post of Anganwari Helper, for which post she had applied for in the year 2009, there is no occasion for her to opt for different post. Therefore, this Court is of the firm opinion that the relief as claimed for is wholly unsustainable.

7. The writ petition stands dismissed accordingly.

January 19, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No