

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7740 of 2018

Date of Decision: 28.03.2018

Monika

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ravinder Singh Dhull, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner worked in a Bachpanshala, which Bachpanshala could not be merged with any Anganwadi Kendra as per policy before all Bachpanshalas, other than those which had merged into Anganwadi Kendras, were closed down by the Department of School Education, Haryana on January 15, 2015. This had led to the retrenchment of the petitioner. She is out of service since January 15, 2015. She rests her case in this petition on a recommendation made on the face of her representation dated August 26, 2011 by the District Programme Co-ordinator SSA/RMSA, Rohtak. The officer made an endorsement to ICDS, Jhajjar that the petitioner had worked as a volunteer in Bachpanshala at GPS Kultana from December 09, 2004 till the date of the letter. It was suggested that she may be adjusted/merged as per provisions of the scheme. It was also made clear that the office was convinced that Kultana in ICDS fell in Circle Dighal in District Jhajjar and she should be merged accordingly. These recommendations appear not to have been decided and on a fresh

representation by the petitioner dated January 23, 2018 (P-7) she requested that she may be appointed as an Anganwadi worker.

2. The post of Anganwadi worker has been advertised in December 2017 in the village by beat of drum. She has applied for the post and her claim based on past history in Bachpanwala has been rejected by the authority by order dated February 16, 2018. The ground for rejection is that only those Bachpanshalas were allowed to be adjusted/merged where the Anganwadi Kendras came in the third phase and the Volunteers and Helpers of Bachpanshala could be appointed. The rest of the Bachpanshalas were closed down on January 15, 2015. Thus the office cannot take any action on the petitioner's application. If the merger did not take place although recommended in 2011 no right would accrue to the petitioner to seek legal redress and now after passage of 7 years it would be difficult to consider mergers of Bachpanshalas with Anganwadi Kendras.

3. It follows that no interference is called for in this petition. The case of the petitioner will be decided on merits in the selection process and the respondents may take into consideration her services rendered from 2004 till 2015 in a Bachpanshala and the experience she gained there if might contribute to her skill and experience in the event of selection.

4. The petition is accordingly disposed of.

(RAJIV NARAIN RAINA)
JUDGE

28.03.2018
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Whether speaking/reasoned Yes

Whether reportable No