

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

CWP-25074-2015 (O&M)

Date of decision: July 28, 2022

Sonu

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Surender Pal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned letter dated 15.01.2015 (Annexure P-2) issued by respondent No.7 whereby, services of the petitioner have been terminated from the post of Bachpanshala Instructor, being contrary to the letter dated 06.05.2011 (Annexure P-3) and Policy decisions of the State Govt. of Haryana (Annexure P-6), ignoring the fact that the petitioner is in service since 14.12.2004 and Bachpanshalas are now Anganwadi Centres and the staff of Bachpanshalas is to be adjusted/ absorbed in the Anganwadi Centre in the same village as per the Policy decision of the State Govt. of Haryana.

2. Vide detailed office order dated 08.04.2021(Annexure R-1) issued by the District Programme Officer, Women and Child Development, Rohtak, following stand has been taken:-

“XXXXXXX.

That on aspect of filling of vacancy of Anganwadi Worker, it is made clear that one post of Anganwadi Worker had fallen vacant on the demise of Smt. Suman Anganwadi Worker w/o Sh. Naresh resident of village Chandi, on 05.11.2020. This vacancy was to be filled up from the category of Backward class, as such advertisement for this vacancy was given in the leading Newspapers and the same was published on 28.01.2021 and interview was scheduled for 05.03.2021, but the same was held up for indefinite period on administrative grounds as per advertisement in leading Newspapers dated 24.02.2021 (copy attached).

That the petitioner belongs to General category as such petitioner was not eligible/ is not eligible, unless and until the vacancy of the General category is available. That in any event, if the petitioner is appointed against this post it will create another litigation because those who have applied against this reserved category post may knock the doors of competent court.”

3. In view of the above, no grounds for interference are made out.
4. Dismissed. However, to the extent the petitioner is aggrieved *qua* non-maintenance of roster, she is at liberty to file representation before the competent authority who shall take appropriate steps thereon. If after making the roster, the post in question is found to be of General Category, petitioner shall be considered in accordance with law. In case, petitioner is still aggrieved after the Department takes steps as aforesaid, she is at liberty to challenge the same.

(ARUN MONGA)
JUDGE

July 28, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No