

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.580 of 2015
Date of Decision: *January 25, 2023*

Suman

.....PETITIONER

Vs.

State of Haryana & others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Mamta Panwar, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

Suvir Sehgal, J (Oral)

Power of attorney has been filed by Ms.Mamta Panwar,
Advocate on behalf of petitioner, which is taken on record.

The petitioner has approached this Court seeking a writ in
the nature of certiorari quashing the entire selection process and
appointment to the post of Anganwadi worker. Another prayer has been
made for issuance of a writ in the nature of mandamus directing the
official respondents to appoint the petitioner to the said post.

Mr.Harish Rathee, who represents official respondents
No.1 to 4 has opposed the petition and has argued that the post of
Anganwadi worker is not a civil post. He has placed reliance upon a
Division Bench judgment of this Court in ***CWP No.244 of 2007 titled***

as Darshana Devi Versus State of Haryana and others decided on 24.12.2008.

Heard learned counsel for the parties.

This Court in ***Darshana Devi's case (supra)*** has held as under:

“It has been held in the decision of the Supreme Court in State of Karnataka Versus Ameerbhai 2007 11 SCC Page 681, that the person working as Anganwadi worker does not hold a civil post and the recruitment process is not governed by the Constitution or any statute. This decision was rendered in the context of Anganwadi workers contesting Panchayat Election without suffering that this qualification under the State Act, that prohibited a person who holds a public office from contesting elections. Admittedly the employment was offered under the Scheme of Women and Child Development with a Programme Officer in Integrated Child Development Service (ICDS) Cell constituting the Selection Committee. Though the State of Haryana has been made party respondent, the appointment offered is through Integrated Child Development Service (ICDS) Programme and it is not a civil post and the authorities are not instrumentalities of State to be amenable to the definition of “State” under Article 12 of the Constitution of India.”

In view of the above, the present writ petition is not maintainable and is dismissed as such.

However, liberty is granted to the petitioner to seek redressal of her grievances before the civil court or any other

appropriate forum.

25.01.2023
Meenu

(**SUVIR SEHGAL**)
JUDGE

Whether speaking : Yes/No
Whether reportable : Yes/No