

2026:HHC:5889

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

LPA No. 837 of 2025

Date of Decision : 05.03.2026

Tara Devi

.....Appellant

Versus

State of HP & others

...Respondents.

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?¹

For the Appellant:

Mr. Devender Kumar,
Advocate.

For the Respondents:

Ms. Priyanka Chauhan,
Deputy Advocate General.

G.S. Sandhawalia, Chief Justice *(Oral)*

Challenge in the present appeal is to the judgment passed by the learned Single Judge in CWP No. 6984 of 2024, titled as ***Sujata Devi Vs. State of Himachal Pradesh & others***, on 19.05.2025, whereby directions were issued to the respondents to give appointment/promotion to the writ petitioner as Anganwari Worker at Anganwari Centre Kashpo with

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

effect from the due date, i.e. 01.05.2024, alongwith all consequential benenefits.

2. The learned Single Judge, while allowing the writ petition, had passed the order against the respondent No. 5-appellant herein, who had been transferred vide 16.07.2024 (Annexure P-3) on account of her marriage at Village Kashpo.

3. The State has apparently not filed an appeal and the present appeal has been filed by Tara Devi-respondent No. 5 in the writ petition as such on the ground that since she was married in Village Kashpo, therefore, as per her request, her posting had been done on 16.07.2024 (Annexure P-3) by way of transfer as such at the said place.

4. The writ petitioner as such had relied upon Notification dated 19.06.2010 (Annexure P-2), which has also been referred to by the learned Single Judge, whereby Rule 5 states that the Anganwari Helper has to be given first opportunity to be appointed as Worker, if she fulfills the minimum prescribed educational qualification for Anganwari Workers and no advertisement would be required.

5. The learned Counsel for the appellant has relied upon Rule 4 of the said Notification which provides that if there exists a vacancy at the place of her husband's normal place of residence/place of marriage, she can be adjusted on her request within one month of date of arising of vacancy. Therefore, it is submitted that the appellant had been rightly posted.

6. The learned Single Judge has noticed that the writ petitioner was appointed as Anganwari Helper at Anganwari Centre Kashpo way back on 06.08.2000 and had completed more than 24 years of service as such at the said Centre and the post fell vacant only on 30.04.2024, and therefore, she had a right to be considered for promotion.

7. Apparently, on representation of the present appellant, her transfer order was passed on 16.07.2024 taking away the vested right of promotion of the writ petitioner, which was accordingly held not to be justified by the learned Single judge, by placing reliance upon Rule 5. The said Rule reads as under:-

*"Rule 5 i.e. Advertisement of Vacancies:-
Following provision to be added:- Provided,
where the post of AWW has fallen vacant due*

to any reason and the matter is not sub judice the Anganwadi Helper shall be given first opportunity to be appointed as Worker if, she fulfills the minimum prescribed educational qualification for AWWs and no advertisement will be required."

8. The learned Single had also gone through the record produced by the State which showed that on the basis of a D.O Note dated 13.06.2024, one Babita Devi working as Anganwari Worker Kharogla, had been transferred to Anganwari Centre Karchham and resultantly, the present appellant had also been transferred from Anganwari Centre Karchham to Anganwari Centre Kashpo. The writ petitioner thus continued to work as Anganwari Helper at Anganwari Centre Kashpo and thus, had approached this Court to seek promotion to the post of Anganwari Worker at Anganwari Centre Kashpo from the due date, i.e. 01.05.2024, with all consequential benefits.

9. Hence, once Rule 5 as such provides that if in an Anganwari Centre, post of Anganwari Worker falls vacant due to any reason and the matter is not sub-judice, then the Anganwari Helper working in the said

Anganwari Centre shall be given first opportunity to be appointed as Anganwari Worker and the Rule 4 provides that if there exists a vacancy at the place of her husband's normal place of residence/place of marriage, she can be adjusted on her request within one month of the date of arising of vacancy. Rule 4 reads as under:-

“Rule 4 i.e. Transfer/Adjustment of the Anganwadi Workers/Helpers:

Under ICDS programme there is no provision of transfer of Anganwadi Workers/Helpers as these are honorary workers. However, only in case of marriage of AWW or AWH if, vacancy exists at the place of her husband's normal place of residence/ place of marriage, she can be adjusted on her request made within one month of date of arising of vacancy. Divorcee/destitute women living with their parents in Anganwari area, but working at the place of marriage can be transferred to the place of Anganwari falling in the parental area subject to availability of vacancy. Distt. Programme Officer will be the competent authority to order transfer/adjustment of Anganwadi Workers/Helpers within the district. Outside district, transfers will be done with the approval of Director.”

10. The rule of consideration for promotion has greater weightage as such since the present appellant

was already occupying the post of Anganwari Worker. By virtue of the transfer order, the right of the writ petitioner to be considered for promotion to the post of Anganwari Worker was taken away. As noticed, the petitioner had been serving as Anganwari Helper for the last 24 years. The right of consideration for promotion is a legitimate expectation of an employee which could not have been taken away on account of a transfer order, only on a ground of marriage and is not mandatory but only recommdatory.

10. Therefore, the learned Single Judge has rightly exercised his powers that the petitioner was entitled to be considered for promotion. Thus, we find no fault with the well reasoned order of the learned Single Judge. Accordingly, the appeal is dismissed. Pending application(s), if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice.

March 05, 2026
(hemlata)

(Bipin C. Negi)
Judge.