

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.8576 of 2023****Decided on: 27th November, 2025**-----
Todari Devi**.....Petitioner****Versus**

State of H.P. and others

.....Respondents
-----**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**For the Petitioner: Mr. Ashwani Pathak, Senior Advocate
with Mr. Virender Kumar, Advocate.For the Respondents: Mr. Y.P.S. Dhaulta, Additional
Advocate General.
-----**Jyotsna Rewal Dua, Judge**

Petitioner's case for appointment/promotion to the post of Angwanwari Worker has been rejected by the respondents on the ground that she does not fulfill the age criteria laid down under notification dated 24.08.2023.

2. Heard learned counsel for the parties and considered the case file.

3. The case

Petitioner was appointed as Anganwari Helper at Anganwari Centre Gudah, Circle Saroa, District Mandi on

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



28.07.2007. One Smt. Rukmani serving as Anganwari Worker in the aforesaid centre abandoned her job in April, 2023. Petitioner applied for appointment/promotion against the resultant vacancy of Anganwari Worker. Respondent No.3 rejected petitioner's representation for promotion to the post of Anganwari Worker on the ground that in the Scheme/Guidelines for the appointment of Anganwari Workers/Mini Anganwari Workers/Helpers notified on 24.08.2023, the maximum prescribed age limit is 35 years; Petitioner being more than 35 years of age, was ineligible for promotion. Petitioner feels aggrieved against the rejection of her case for promotion.

Vide interim order dated 06.11.2023 passed in this writ petition, the petitioner was provisionally permitted to appear in the interview for the post of Anganwari Worker. The result thereof, however, was not to be declared without leave of the Court.

4. Consideration:-

4(i). Notification dated 24.08.2023 provides following eligibility criteria for the post of Anganwari Worker/Mini Anganwari Worker/Helper:-



“4. Eligibility Criteria

Only such female candidates are eligible to apply for the post of Anganwadi Worker/Mini Anganwadi Worker or Helper who are:

a) Normal residents of the feeding area of the concerned Anganwadi Centre.

If the candidates are not available within the feeder area of Anganwadi Centre, applications can be invited from the desirous candidates residing within the area of the concerned Gram Panchayats of feeder area of the particular Anganwadi Center and if the candidates are not available in the Gram Panchayat concerned of Anganwadi Centre, then applications can be invited from the desirous candidates residing within the adjoining Gram Panchayats which are located in the concerned project.

b) Minimum prescribed qualification for Anganwadi Worker, Mini Anganwadi worker and Anganwadi Helper shall be 10+2.

c) Age between 18-35 years as on the last date of advertisement.

d) The annual income of the family of candidate does not exceed Rs. 50,000/- Per annum to be certified/ countersigned by an officer not below the rank of Naib Tehsildar/Tehsildar/Executive Magistrate.

(Exemption of honorarium of Anganwadi Helper from the income criteria if she applies for the post of Anganwadi helper).”

As per the above clause, age of the candidate applying for the post of Anganwari Worker/Helper should be between 18-35 years as on the last date of advertisement. Clause 5 of the notification dated 24.08.2023 pertains to ‘advertisement of vacancies’. The proviso therein states that in case the post of Anganwari Worker falls vacant due to any reason and the matter is not *sub-judice*, then the Anganwari Helper of that Anganwari



Centre with 05 years of experience and possessing requisite educational qualification etc. shall be promoted as Anganwari Worker subject to satisfaction of laid down parameters including the condition that Anganwari Helpers promoted as Anganwari Workers at any point of time shall not be more than 50%. Proviso to Clause 5 reads as under:-

“Provided, where the post of Anganwadi Worker has fallen vacant due to any reason and the matter is not subjudice then Anganwadi Helper of that AWC with 5 years of experience shall be promoted as Anganwadi worker subject to fulfillment of educational qualifications, track record of service, additional qualification and age criteria., with the prior approval of screening committee and subject to the condition that overall no. of posts of Anganwadi Workers being filled by way of promotion from amongst Anganwadi Helpers at any point of time shall not be more than 50%.”

It is clear from the above proviso that the age limit prescribed in Clause 4 of notification dated 24.08.2023 was only for direct recruitment and not meant for promotion, as Anganwari Helper aged 35 years, who may have been appointed as such in terms of Clause 4 of the scheme, would otherwise lose eligibility for promotion to the post of Anganwari Worker under proviso to Clause 5 even with requisite experience and qualifications after 05 years, as in that eventuality, her age would be 40 years. That is not the intent of either the eligibility criteria or the proviso to Clause 5. Be that as it may.



4(ii). The respondents have now themselves issued a notification on 29.02.2024 (Annexure P-4), clarifying that age between 18-35 years as on the last date of advertisement is only for initial engagement at the time of recruitment of Anganwari Worker/Helpers/Mini Anganwari Workers and not for the appointment/promotion of Anganwari Helpers to the post of Anganwari Workers. Relevant clause from notification dated 29.02.2024, amending/clarifying the position regarding eligibility criteria, reads as under:-

“No.SJE-A-(F)1/1/2016.— In partial modification of this department's Notification of even number dated 24th August, 2023, the Governor, Himachal Pradesh is pleased to amend/add the following provisions in the existing Guidelines for the appointment of Anganwadi Worker/Mini Anganwadi Workers/Helpers under ICDS Programme in Women and Child Development Department, Himachal Pradesh as under:—

Para-4: Eligibility Criteria

4 (c) Age between 18-35 years as on the last date of advertisement (This is for initial engagement at the time of recruitment of Anganwadi Worker/Helpers/Mini Anganwadi Workers, not for the appointment of Anganwadi Helpers to Anganwadi Workers).”

4(iii). At this stage, learned Senior Counsel for the petitioner submits that the post of Anganwari Worker in Anganwari Centre Gudah is still lying vacant. That the petitioner was interviewed for her appointment/promotion to the post of Anganwari Worker, however, the result



thereof has not yet been declared in view of order passed in this writ petition on 06.11.2023.

5. In view of above discussion and keeping in view the notification dated 29.02.2024 issued by the respondents, reason for respondents' rejecting petitioner's case for promotion has lost its relevance. The petitioner is eligible for appointment/promotion from the post of Anganwari Helper to that of Anganwari Worker. Accordingly, this writ petition is disposed of by directing the respondents to take the result of the interview for the post of Anganwari Worker in Anganwari Centre Gudah under Circle Saroa, District Mandi to its logical conclusion, by holding the petitioner eligible for the post in question. This exercise be completed within four weeks from today.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

November 27, 2025
Mukesh

Jyotsna Rewal Dua
Judge