

## निदेशालय, बाल विकास सेवा एवं पुष्टाहार, उत्तर-प्रदेश, लखनऊ।

पत्रांक / बा०वि०परि०/आ.बा.स्था.नि/2022-23.

दिनांक: २१ दिसम्बर, 2022

समस्त जिला कार्यक्रम अधिकारी/प्रभारी,  
उत्तर - प्रदेश।

**विषय :-** मा० उच्च न्यायालय, इलाहाबाद खण्डपीठ, लखनऊ द्वारा आंगनवाड़ी कार्यकर्त्री/सहायिकाओं की ड्यूटी निर्वाचन अथवा अन्य किसी गैर विभागीय कार्यों में न लगाए जाने के संबंध में योजित रिट याचिका संख्या ए 6424/2022 में पारित आदेश दिनांक 09.11.2022 का अनुपालन के संबंध में।

उपर्युक्त विषयक शासन के पत्र संख्या I/244267/2022 File NO.54-2099/7/2022-2-462 (संख्या एम०एस०-211/58-1-2022-54-2099/7/2022) दिनांक 06 दिसम्बर, 2022 का संदर्भ ग्रहण करें, जिसके द्वारा मा० उच्च न्यायालय, इलाहाबाद खण्डपीठ, लखनऊ के उपरोक्त आदेश दिनांक 09.11.2022 का अनुपालन के संबंध में नियमानुसार कार्यवाही करने की अपेक्षा की गई है।

प्रश्नगत वाद में मा० उच्च न्यायालय के पारित आदेश दिनांक 09.11.2022 के प्रस्तर 08 एवं 10 का ऑपरेटिव अंश निम्नवत है:-

“It is in the aforesaid circumstances, the work done by the Anganwadi Workers cannot be undermined by passing any direction for discharge of duties by departments and specially during elections. It is noticed that Central and State Governments are vigilant in this regard and have passed various Government Orders restraining the District Magistrates and other Officers not to engage Anganwadi Workers in other works including election duty.

In the light of above, this Court is of the considered view that work which is being discharged by Anganwadi Workers is of considerable importance, looking into the fact that in one block there is only one worker and in case that one Anganwadi Worker is assigned duty in elections or any other work then entire nursing and lactating woman including pregnant women would not be taken care of and would adversely affect the health of public at large.”

अतएव मा० उच्च न्यायालय के उपरोक्त पारित आदेश की प्रति संलग्न कर निर्देशित किया जाता है कि आंगनवाड़ी कार्यकर्त्री/सहायिकाओं की ड्यूटी निर्वाचन अथवा अन्य किसी गैर विभागीय कार्यों में न लगाए जाने के संबंध में माननीय उच्च न्यायालय के उक्त आदेश दिनांक 09.11.2022 के अनुपालन हेतु नियमानुसार कार्यवाही कराना सुनिश्चित करें।

संलग्न:-यथोक्त।

(सरनीत कौर ब्रोका)  
निदेशक।

पृष्ठांकन C-1243 / तददिनांक।

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. सचिव, बाल विकास एवं पुष्टाहार उ०प्र० शासन।
2. समस्त जिलाधिकारी/मुख्य विकास अधिकारी, उत्तर प्रदेश को सूचनार्थ।
3. कार्यालय प्रति।

(सरनीत कौर ब्रोका)  
निदेशक।

# निदेशालय, बाल विकास सेवा एवं पुष्टाहार, उत्तर-प्रदेश, लखनऊ।

पत्रांक १-१२५३ / बा०वि०परि० / आ.बा.स्था.नि / २०२२-२३,

दिनांक: २१ दिसम्बर, २०२२

समस्त जिला कार्यक्रम अधिकारी/प्रभारी,  
उत्तर - प्रदेश।

**विषय :-** मा० उच्च न्यायालय, इलाहाबाद खण्डपीठ, लखनऊ द्वारा आंगनवाड़ी कार्यकर्त्री/सहायिकाओं की ड्यूटी निर्वाचन अथवा अन्य किसी गैर विभागीय कार्यों में न लगाए जाने के संबंध में योजित रिट याचिका संख्या ए ६४२४/२०२२ में पारित आदेश दिनांक ०९.११.२०२२ का अनुपालन के संबंध में।

उपर्युक्त विषयक शासन के पत्र संख्या I/244267/2022 File NO.54-2099/7/2022-2-462 (संख्या एम०एस०-२११/५८-१-२०२२-५४-२०९९/७/२०२२) दिनांक ०६ दिसम्बर, २०२२ का संदर्भ ग्रहण करें, जिसके द्वारा मा० उच्च न्यायालय, इलाहाबाद खण्डपीठ, लखनऊ के उपरोक्त आदेश दिनांक ०९.११.२०२२ का अनुपालन के संबंध में नियमानुसार कार्यवाही करने की अपेक्षा की गई है।

प्रश्नगत वाद में मा० उच्च न्यायालय के पारित आदेश दिनांक ०९.११.२०२२ के प्रस्तर ०८ एवं १० का ऑपरेटिव अंश निम्नवत है:-

"It is in the aforesaid circumstances, the work done by the Anganwadi Workers cannot be undermined by passing any direction for discharge of duties by departments and specially during elections. It is noticed that Central and State Governments are vigilant in this regard and have passed various Government Orders restraining the District Magistrates and other Officers not to engage Anganwadi Workers in other works including election duty.

In the light of above, this Court is of the considered view that work which is being discharged by Anganwadi Workers is of considerable importance, looking into the fact that in one block there is only one worker and in case that one Anganwadi Worker is assigned duty in elections or any other work then entire nursing and lactating woman including pregnant women would not be taken care of and would adversely affect the health of public at large."

अतएव मा० उच्च न्यायालय के उपरोक्त पारित आदेश की प्रति संलग्न कर निर्देशित किया जाता है कि आंगनवाड़ी कार्यकर्त्री/सहायिकाओं की ड्यूटी निर्वाचन अथवा अन्य किसी गैर विभागीय कार्यों में न लगाए जाने के संबंध में माननीय उच्च न्यायालय के उक्त आदेश दिनांक ०९.११.२०२२ के अनुपालन हेतु नियमानुसार कार्यवाही कराना सुनिश्चित करें।

संलग्न:-यथोक्त।

पृष्ठांकन / तददिनांक।

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

१. सचिव, बाल विकास एवं पुष्टाहार उ०प्र० शासन।
२. समस्त जिलाधिकारी/मुख्य विकास अधिकारी, उत्तर प्रदेश को सूचनार्थ।
३. कार्यालय प्रति।

(सरनीत कौर ब्रोका)  
निदेशक।

26/12/22

(सरनीत कौर ब्रोका)  
निदेशक।

**Court No. - 8**

**Case :-** WRIT - A No. - 6428 of 2022

**Petitioner :-** Smt. Manisha Kanaujia And Another

**Respondent :-** District Magistrate And Another

**Counsel for Petitioner :-** Abhilasha Pandey

**Counsel for Respondent :-** C.S.C.

**Hon'ble Alok Mathur,J.**

1. Heard Ms. Abhilasha Pandey, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.
2. Counter affidavit filed by District Programme Officer, Barabanki is taken on record.
3. The petitioners are working on the post of Angan Wadi Workers at Anganwadi Centre City Guleria Garda, District - Barabanki in Integrated Child Development Scheme, which is Government of India sponsored scheme. Relief sought by the petitioner in the present writ petition is for a direction to the respondents to comply with the orders passed by the Chief Secretary, Government of U.P., Lucknow dated 19.11.2019 and 03.05.2017 as well as Government Order dated 09.11.2013, which restrains Anganwadi Workers/Helpers to be engaged in non Integrated Child Development Services Schemes (I.C.D.S.) related tasks and also directions to the respondents to forthwith comply with the guidelines issued by the Government of India dated 15.06.2010 and 05.11.2019 regarding restraining utilization of Anganwadi Workers/Helpers in local body elections etc.
4. It has been submitted by learned counsel for the petitioners that they were engaged in Booth Level Officers duty (BLO's) which is election related full time work and is non departmental task. The care taking and all round development of young children of 3-6 age group, the services rendered to pregnant and lactating mothers are adversely hampered by such duty which is in clear violation to child rights for getting at least 300 days in a year free nutrition, health care and education as envisaged in Food Security Act, 2013, New Education Policy, 2020 and National Policy for Children, 2013.
5. It is next submitted by learned counsel for the petitioners that there are many village level employees such as Panchayat Mitra, Shiksha Mitra, Rozgar Sewak and Sanitation workers and village secretaries who can undertake such election related

duties of BLO. It is submitted that Government Order dated 09.10.2013, which prohibits engagement of Anganwadi Workers and Helpers in non-departmental activities as Child Welfare is considered supreme priority under Centrally sponsored Schemes. Even the State Government has issued order dated 31.05.2017, by Chief Secretary which is addressed to all the District Magistrates to not to engage Anganwadi Workers/Helpers in non departmental tasks. The Chief Secretary, Government of U.P. has also issued order dated 19.11.2019, citing strong objection by Central Government regarding deployment of Anganwadi Workers in non ICDS activities, which include nutritional, educative and health care of children, barring exceptional and inevitable circumstances.

6. It is further submitted that the issue involved in the present writ petition is also engaging attention of Hon'ble Supreme Court and by means of order dated 08.03.2020, rendered in the case of Suo-moto Writ Petition (C) No. 2 of 2020, following order was passed :-

*"Closure of Anganwadi Centers due to spread of COVID-19 Pandemic situation may lead to large scale malnourishment among beneficiaries, particularly the Children and Lactating and Nursing Mothers in Rural as well as Tribal areas are prone to such mal-nourishment ..... While dealing with one crisis, the situation may not lead to creation of another crisis."*

7. The aforesaid order of Apex Court has been referred to in order dated 23.03.2020, passed by the Director (ICDS), Government of India, who in his order has recorded that in case Anganwadis are shut down, the children as well as the lactating & nursing mothers would be deprived of the nutritional food. Non-supply of nutritional food to the children as well as lactating and nursing mothers may lead to large-scale malnourishment. Particularly, the children and the lactating and nursing mothers in rural as well as tribal area are prone to such mal-nourishment. Such malnutrition may affect their immunity system and as such, children and lactating and nursing mothers would be more prone to catch the infection.

8. It is in the aforesaid circumstances, the work done by the Anganwadi Workers cannot be undermined by passing any direction for discharge of duties by departments and specially during elections. It is noticed that Central and State Governments are vigilant in this regard and have passed various Government Orders restraining the District Magistrates and other Officers not to engage Anganwadi Workers in other works including election duty.

9. In the counter affidavit it has only been stated that since work of elections is of supreme importance in a Democracy and all the officers have to act and assist during such process, but in the counter affidavit there is no answer to the various Government Orders issued either by the Chief Secretary, Government of U.P. or by Government of India and also directions issued by the Apex Court in this regard.

10. In the light of above, this Court is of the considered view that work which is being discharged by Anganwadi Workers is of considerable importance, looking into the fact that in one block there is only one worker and in case that one Anganwadi Worker is assigned duty in elections or any other work then entire nursing and lactating woman including pregnant women would not be taken care of and would adversely affect the health of public at large.

11. In the light of above, present writ petition is **allowed**.

12. It is provided that let Government Order dated 19.11.2019 and 03.05.2017 as well as Government Order dated 09.11.2013, the block level officers and various other departments are restrained from passing any orders engaging Anganwadi Workers in any other work/duty including election duty.

13. Let a copy of this order be served upon the Chief Secretary, Government of U.P., Lucknow, so that he may pass necessary orders and direct the District Magistrates accordingly.

**Order Date :- 9.11.2022**

A. Verma

(Alok Mathur, J.)