

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case: SWP No. 233/2015

Pooja Rani.

...Petitioner(s)/Appellant(s)

Through: None.

V/s

State of J&K & ors.

.... Respondent(s)

Through: Mr. Jatinder Choudhary, Advocate.
Ms. Pallavi Sharma, Assisting counsel to
Mr. Raivinder Sharma, AAG.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
21.12.2024

01. Vide an advertisement notice No. 16 DPO-K/ICDS of 2014 dated 23.06.2014, the District Project Officer ICDS Kathua issued an advertisement for engagement of anganwari worker/helper for anganwari centre in district Kathua as one of the anganwari centres referred to in the advertisement was situated in village Hutt (moda Pathyrera) Ward No.4 of tehsil Basholi, district Kathua.

02. In the selection process number of candidates came to participate which included the petitioner as well as the respondent No.5-Jyoti Devi and the final outcome of the select list for appointment of anganwari worker for village Hutt (moda Pathyrera) tehsil Basholi district Kathua was appointment of the respondent no.5-Jyoti Devi getting selected and recommended for engagement by the selection committee.

03. The petitioner came up with challenge to the engagement and appointment of the respondent No.5 stating that the selection of the respondent No.5 was an act of favour as she (the petitioner) was better placed in terms of merit than the respondent No.5 to be selected and engaged as anganwari worker.

04. A perusal of the writ petition would show that the petitioner is caught in a conflict of her own situation in a sense that her husband was related to two villages simultaneously by virtue of voter list entry and by that reference the petitioner was also residentially related to two villages, i.e., village Bhuand and village Hutt. In order to escape out of this situation which related the petitioner and her husband to two villages in terms of voter list, the petitioner's husband is said to have been even applied for removal of his name from the voter list of village Bhuand as is averred in paragraph no. 8 of the writ petition by reference to application annexed as Annexure-C.

05. The pleadings of the petitioner in paragraph no.8 is not bearing correct reference because the annexure –C which is referred in paragraph no. 8 to be an application made by the petitioner's husband for seeking deletion of his name from the village Bhuand is not obtaining as annexure –C which actually is an application of the petitioner for participation in the selection process for anganwari worker. There is no such application on the record of the writ petition to lend credence to the averments of the petitioner that her husband had actually applied for deletion of his name from the voter list of village Bhuand. In fact, there is not even whisper as to when the petitioner's husband so applied for correction of reference to village Bhuand, i.e., pre advertisement

or post-advertisement. Thus, the petitioner has not come to court with clean hands and that is enough reason for this Court to disqualify the petitioner for earning any indulgence of this Court in adjudication of this writ petition which is accordingly dismissed.

06. The engagement of respondent no.5-Jyoti Devi as anganwari worker is, thus, to be maintained.

(RAHUL BHARTI)
JUDGE

Jammu
21.12.2024
Sunita/PS

