



CGHC010277412026

2026:CGHC:36156-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 727 of 2026**

Punam Singh W/o Birbhadra Singh Aged About 40 Years Presently Working On The Post Of Anganwari Worker, Center Semali, Janpad Panchayat Balrampur District Balrampur Ramanujganj C.G.

... Appellant(s)**versus**

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development Mahanadi Bhawan Atal Nagar Raipur District Raipur C.G.
2. Commissioner Surguja Division Ambikapur District Surguja C.G.
3. The Collector Balrampur District Balrampur District Ramanujganj C.G.
4. The Project Officer, Organizer Integrated Women And Child Development Project Balrampur District Balrampur Ramanujganj C.G.
5. Chief Executive Officer Janpad Panchayat Balrampur District Balrampur Ramanujganj C.G.
6. Block Education Officer Balrampur Distirct Balrampur Ramanujganj C.G.
7. Block Medical Officer Balrampur District Balrampur Ramanujganj C.G.
8. Jyoti Sahu W/o Arvind Kumar Aged About 25 Years R/o Village Semali Janpad Panchayat Balrampur District Balrampur Ramanujganj C.G.

9. Kunti Singh D/o Jaishankar Singh Aged About 25 Years R/o Village Semali Janpad Panchayat Balrampur District Balrampur Ramanujganj C.G.

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Santosh Bharat, Advocate.
For Respondent/State	:	Mr. Jitendra Shrivastava, Government Advocate.
For Intervenor	:	Mr. Vikas Shrivastavas, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

14.08.2026

1. Heard Mr. Santosh Bharat, learned counsel for the appellant. Also heard Mr. Jitendra Shrivastava, learned Government Advocate, appearing for the State and Mr. Vikas Shrivastava, learned counsel, appearing for intervenor.

2. The present intra-Court appeal has been preferred by the appellant/writ petitioner against the order dated **06.07.2026** passed by the learned Single Judge in **WPS No. 9207 of 2022 (*Punam Singh vs. State of Chhattisgarh & Others*)**, whereby the writ petition filed by the appellant came to be dismissed.

3. Learned counsel for the appellant submits that the appellant was appointed on the post of Anganwari Worker at Anganwari Centre Semali

pursuant to the selection process initiated by advertisement dated 23.07.2018. The selection committee scrutinized the applications and prepared the merit list, in which the appellant secured **48.60 marks**, whereas Bibhawati Singh secured 49.80 marks. Initially, Bibhawati Singh was appointed on 08.03.2021. He further submits that the appellant challenged the said appointment before the Collector, who, vide order dated 24.03.2021, set aside the appointment of Bibhawati Singh and directed that appointment be made in accordance with the merit list. Consequently, the appellant, having secured 48.60 marks and respondent No.8 having secured only 36 marks, was appointed as Anganwadi Worker vide order dated 14.06.2021. The appellant joined on 23.06.2021 and thereafter continuously discharged her duties.

4. Learned counsel for the appellant would submit that respondent No. 8 subsequently challenged the appellant's appointment before the Collector. The Collector, vide order dated 09.11.2022, set aside the appellant's appointment, but without recording any specific finding as to how the appellant was ineligible or why her higher position in the merit list was liable to be ignored. Aggrieved by the said order, the appellant preferred a second appeal before the Commissioner. However, the Commissioner dismissed the appeal at the admission stage vide order dated 02.12.2022, without examining the case on its merits. The appellant thereafter approached this Hon'ble Court, and vide order dated 03.01.2023, an interim order was granted in her favour, pursuant to which she continued to discharge her duties on the said post.

5. It is further contended by the learned counsel for the appellant that the writ petition was ultimately dismissed by the learned Single Judge vide judgment dated 06.07.2026, principally on the ground that, pursuant to the Collector's order, Kunti Singh had been appointed on the said post on 19.12.2022, but the appellant had neither impleaded her nor challenged her appointment. He also contended that the appellant had challenged the very orders of the Collector and the Commissioner which formed the basis of the subsequent appointment of Kunti Singh. Kunti Singh was not a party before either the Collector or the Commissioner. The appellant had therefore no occasion, at those stages, to challenge her appointment. Once the foundational orders of the Collector and Commissioner are found unsustainable and are set aside, the consequential appointment made pursuant thereto cannot independently survive.

6. Learned counsel for the appellant stated that the appellant's appointment was based upon the merit list prepared by the competent selection committee, wherein she secured 48.60 marks, substantially higher than respondent No.8, who secured 36 marks. Neither the Collector nor the Commissioner has recorded any finding explaining why the appellant, despite being higher in merit, was ineligible for appointment or why her appointment was liable to be cancelled. The appellant has been continuously working on the post since 23.06.2021 and, pursuant to the interim order passed by this Hon'ble Court, has continued to discharge her duties. On the other hand, the subsequent appointment of Kunti Singh was made only pursuant to the order of the

Collector, and she has not actually discharged duties on the said post. He further stated that the omission to implead Kunti Singh or separately challenge her consequential appointment was purely bona fide, particularly because she was not a party to the proceedings before the Collector or the Commissioner. The appellant had challenged the orders which constituted the very basis of such subsequent appointment. The writ petition, therefore, ought not to have been dismissed on this technical ground without adjudicating the legality and correctness of the orders of the Collector and Commissioner on merits. It is also significant that despite directions of this Hon'ble Court, neither the State respondents nor the private respondents filed their reply in the writ petition. The matter was taken up for hearing for the first time on 06.07.2026, and the writ petition was dismissed without the controversy relating to the appellant's merit, eligibility and appointment being examined on merits.

7. In these circumstances, learned counsel for the appellant submits that the impugned judgment deserves to be set aside and the matter deserves to be decided on merits, particularly since the appellant's appointment was founded upon the duly prepared merit list, she had secured higher marks than respondent No.8, and no competent authority has recorded any cogent finding rendering her ineligible for appointment.

8. *Per contra*, learned State counsel and learned counsel for intervenor submit that the learned Single Judge has rightly appreciated

the facts as well as the material available on record and has passed the impugned order in accordance with law.

9. We have heard learned counsel for the parties at length and have carefully perused the material available on record.

10. The principal contention of learned counsel for the appellant is that the appellant was appointed on the post of Anganwadi Worker on the basis of the merit list and had secured 48.60 marks, whereas respondent No.8 had secured only 36 marks. It is also contended that neither the Collector nor the Commissioner recorded any specific finding as to the ineligibility of the appellant and, therefore, the orders passed by the said authorities ought to have been examined on merits. However, the aforesaid submission cannot be accepted in the facts and circumstances of the present case. It is not in dispute that the Collector, vide order dated 09.11.2022, set aside the appointment of the appellant and directed the concerned authority to re-examine the application forms and documents in accordance with the prescribed procedure. Pursuant to the said order, the selection process was undertaken and the consequential order of appointment came to be issued in favour of intervenor Kunti Singh on 19.12.2022.

11. The record further reveals that the intervenor filed her application for intervention before the learned Single Judge on 28.07.2023, specifically bringing on record the factum of her appointment pursuant to the order dated 09.11.2022 passed by the Collector. Thus, the appellant was admittedly aware, during the pendency of the writ

petition, that the order passed by the Collector had already been acted upon and that Kunti Singh had been appointed on the post in question.

12. Despite having knowledge of the subsequent appointment, the appellant neither challenged the appointment order dated 19.12.2022 nor sought impleadment of Kunti Singh as a necessary/proper party in the writ petition. In absence of any challenge to the subsequent appointment and in absence of the person in whose favour such appointment had been made, no effective or executable relief could have been granted in favour of the appellant.

13. The submission that the appointment of Kunti Singh was merely consequential to the order of the Collector and would automatically fall if the order of the Collector were set aside, also cannot be accepted. The order dated 19.12.2022 is an independent consequential order conferring rights upon Kunti Singh. Once such order was passed and was brought to the notice of the appellant during pendency of the writ petition, it was incumbent upon the appellant to challenge the same and implead the affected person, particularly when any order in favour of the appellant would directly affect the rights flowing from the said appointment.

14. The learned Single Judge has, therefore, rightly noticed that the order dated 09.11.2022 passed by the Collector had already been implemented and that the consequential appointment order dated 19.12.2022 had not been assailed by the appellant. In such circumstances, the learned Single Judge was justified in holding that no

effective order could be passed in favour of the appellant without the subsequent appointment being under challenge and without Kunti Singh being before the Court.

15. The fact that the appellant had earlier been appointed on 14.06.2021 and had continued to work pursuant to the interim order passed by this Court does not create any vested right in her favour, particularly when the very foundation of her appointment, namely the order dated 14.06.2021, stood set aside by the competent authority vide order dated 09.11.2022 and the consequential selection process was thereafter completed.

16. The plea of bona fide mistake in not impleading Kunti Singh also does not advance the case of the appellant. The material on record clearly shows that the appellant acquired knowledge of Kunti Singh's appointment during the pendency of the writ petition itself. Despite such knowledge, no amendment was sought, no challenge was made to the appointment order dated 19.12.2022 and no prayer was made for impleadment of Kunti Singh as a party. Therefore, the learned Single Judge cannot be said to have committed any error in declining to grant relief in the absence of challenge to the subsequent appointment.

17. It is also well settled that a Court cannot grant an effective relief which would directly operate against a person who is not before the Court and whose appointment has not been challenged. The appellant, having failed to challenge the appointment of Kunti Singh and having failed to implead her despite knowledge of her appointment, cannot

seek restoration of her earlier appointment in a proceeding where the subsequent appointment remains unassailed.

18. We find that the learned Single Judge has considered the relevant subsequent development, namely the appointment of Kunti Singh pursuant to the Collector's order dated 09.11.2022, and has rightly declined to examine the matter in isolation without there being a challenge to the consequential appointment order dated 19.12.2022. The reasoning assigned by the learned Single Judge is neither perverse nor contrary to the material available on record and calls for no interference in intra-Court appellate jurisdiction.

19. Consequently, we find no merit in the present writ appeal. The order dated 06.07.2026 passed by the learned Single Judge in WPS No.9207 of 2022 is hereby affirmed.

20. The writ appeal is, accordingly, **dismissed**. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice