

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17604 of 2026
Date of Decision: 05.10.2026

Lakshmi Devi

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Ashok K. Tyagi, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General and
Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy
Advocates General.

Sandeep Sharma, J. *(Oral)*

Being aggrieved and dissatisfied with order dated 17.04.2026 passed by the learned Additional District Magistrate, District Sirmaur at Nahan, Himachal Pradesh in Case No. 9 of 2024 titled as *Lakshmi Devi versus Ankita and others*, whereby appeal having been filed by the petitioner Lakshmi Devi, laying therein challenge to appointment of respondent No. 6, Ankita, as Anganwadi Helper in Anganwadi Centre, Singhapura-3, Tehsil Paonta Sahib, District Sirmaur, Himachal Pradesh, came to be dismissed, petitioner has approached this Court in the instant proceedings, praying therein to set aside aforesaid order.

2. Precisely, the grouse of the petitioner as has been highlighted in petition and further canvassed by Mr. Ashok Tyagi, learned counsel representing the petitioner is that both the authorities below failed to appreciate that income certificate adduced on record by respondent No. 6 was procured on the basis of wrong facts. Mr. Tyagi states that though material adduced on record by the petitioner itself suggests that income of family of respondent No. 6 is much more than Rs.50,000/- per month, but yet, by concealing material facts with regard to her income, respondent No.6 succeeded in securing income certificate suggestive of the fact that her income is less than Rs.50,000/-. He states that since petitioner had successfully proved on record by leading cogent and convincing evidence that income of respondent No. 6 is more than prescribed limit of Rs.50,000/-, authorities below ought to have quashed the appointment of respondent No.6 against the post in question on the ground of concealment of facts.

3. While putting in appearance on behalf of respondents No. 1 to 5, Mr. Rajan Kahol, learned Additional Advocate General, states that it is not in dispute that income certificate adduced on record by respondent No. 6, which is stated to be procured on the basis of false information, has been issued by competent authority and as such, authorities below rightly not

interfered with the same. He states that otherwise also, petitioner has already filed appeal before the Tehsildar concerned for cancellation of income certificate and till the time same is not decided, income certificate adduced on record by respondent No. 6 cannot be said to be bad in law. Lastly, Mr. Kahol, states that bare perusal of order laid challenge in the instant proceedings passed by the learned Additional District Magistrate clearly reveals that he refused to interfere on the ground that till the time income certificate issued by the competent authority is not cancelled by same authority, same cannot be treated to be procured on the basis of false information.

4. Since it is not in dispute that income certificate adduced on record by respondent No. 6, which is stated to be procured on the basis of false information, has not been cancelled by the competent authority till date, coupled with the fact that petitioner has already laid challenge to income certificate issued in favour of respondent No. 6, no illegality can be said to have been committed by the learned Additional District Magistrate, District Sirmaur at Nahan while passing impugned order. Aforesaid authority is not competent to go into the correctness and authenticity of income certificate, if any, adduced on record by the applicant, rather

competent authority, in that regard, is Tehsildar, who otherwise is competent to issue and cancel such certificate.

5. In nutshell, grouse of the petitioner is that though income of the petitioner and her family is more than Rs.50,000/-, but yet she has been able to procure income certificate issued by the competent authority suggestive of the fact that her income is less than Rs.50,000/-, but as has been observed hereinabove, aforesaid issue can only be decided by the Tehsildar, who has issued the certificate.

6. Since on the date of making application for the post in question, respondent No. 6 was eligible to be considered against the post in question for her having been issued certificate suggestive of the fact that her income is less than Rs.50,000/-, no illegality can be said to have been committed by both the Courts below while upholding her appointment.

7. Consequently, in view of the above, this Court finds no illegality and infirmity in the impugned order and as such, no interference is called for, as a result of which, present petition fails and is dismissed accordingly. However, having taken note of the fact that petitioner has already filed appeal before the Tehsildar of the area concerned, laying therein challenge to income certificate issued in favour of respondent No. 6, this Court before parting wishes to direct the Tehsildar of the area concerned to ensure that

appeal filed by the petitioner is disposed of expeditiously, preferably within a period of four weeks, after affording due opportunity of being heard to the petitioner as well as respondent No. 6, whereafter the petitioner would be at liberty to approach appropriate authority/competent court of law for redressal of his/her grievance, if any.

8. It is also clarified that in case income certificate issued in favour of respondent No. 6 is cancelled by the competent authority, findings returned in the case at hand shall have no bearing upon the fresh proceedings, if any, initiated by the petitioner for quashing of appointment of respondent No. 6. Pending applications, if any, stand disposed of accordingly.

October 05, 2026

(manjit)

**(Sandeep Sharma),
Judge**