

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 2233 of 2009**

Smt. Neeta @ Savita, W/o Kesiya Sahu, aged about 22 years, R/o
Ranidarha, Gram Panchayat Motimpur, Tahsil Kawardha, District
Kabirdham, Chhattisgarh

---- **Petitioner****versus**

1. Smt. Kanti Bai, W/o Parasram Gond, R/o Village Ranidarha, Gram
Panchayat Motimpur, Tahsil Kawardha, District Kabirdham,
Chhattisgarh
2. The Woman and Child Development Officer, Janpad Panchayat
Sahaspurlohara, Tahsil Kawardha, District Kabirdham, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat Sahaspurlohara,
District Kabirdham, Chhattisgarh
4. The State of Chhattisgarh, through the Secretary, Department of
Woman and Child Development, D.K.S. Bhawan, Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	: Ms. Sarina Khan, Advocate on behalf of Shri Malay Kumar Bhaduri, Advocate.
For Respondent No.4/State	: Shri Vinod Deshmukh, Dy. Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****16/10/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. The Petitioner is aggrieved by order dated 23.1.2009 passed by the
Director, Panchayat, Chhattisgarh in Revision Case No. 258/B-121/ 06-
07 affirming the order dated 31.5.2007 passed by the Collector,
Kabirdham in Revenue Case No. 34-B/121/06-07.

3. Learned Counsel for the Petitioner submits that she was appointed as Anganbadi Worker. Respondent No.1 was not eligible for the same because her mother-in-law was the Vice-President of the Minor Forest Produce Cooperative Society.
4. Learned Counsel for the State pointed out that the Petitioner after appointment was removed on a challenge by Respondent No.1 before the Collector. The revision preferred by the Petitioner has been dismissed with reasons. The Respondent was entitled to preference being a Scheduled Tribe. Her mother-in-law did not hold a panchayat office.
5. The Court has considered the submissions.
6. Anganbadi Workers are not Government servants and do not hold any civil post as held in (2007) 11 SCC (State of Karnataka Vs. Ameerbi). They are agents appointed by the Government for dissemination of a welfare scheme for pregnant women and children under the Integrated Child Development Scheme. The Government is the best judge who it wishes to appoint as agent. The primary relationship is of a principal and agent, contractual in nature. The minimum that the Court will examine under Article 226 of the Constitution is the fairness and reasonableness in action on the part of the authorities so that there is no patent arbitrariness and illegality in their action even if the appointment is of an agent, because the appointing authority is not a private individual but the State Government.
7. The Petitioner was appointed on 21.6.2006. It was challenged by Respondent No.1. After hearing the parties, the Collector allowed the appeal on the ground that Respondent No. 1 belonged to Scheduled Tribe Category and therefore she had to be given preference over the Petitioner who belonged to the Other Backward Classes Category. The

revision preferred by the Petitioner against the same has been dismissed by a reasoned order holding that Respondent No.1 was entitled to preference and that her mother-in-law being the Vice-President of the Society did not hold a Panchayat post to disqualify the Respondent.

8. The Court finds no reason to interfere with the order. The writ application is dismissed.

Sdf/-
(Navin Sinha)
CHIEF JUSTICE