

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 631 of 2013**

- Shiv Kumari D/o Resham Lal, Aged About 30 years, R/o Village Meau, Pamgarh, Post Office Meau, Police Station Pamgarh, District Janjgir Champa, (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh, Through- The Secretary Panchayat And Rural Development Department, Mahanadi Mantralaya, New Raipur, Distt Raipur, (C.G.)
2. Director Panchayat and Social Service, Directorate, Raipur (C.G.)
3. Additional Collector, Janjgir-Champa, District- Janjgir -Champa, (C.G.)
4. Chief Executive Officer, Janpad Panchayat, Pamgarh, District Janjgir-Champa, (C.G.)
5. Gram Panchayat Meau, Through Ssarpanch, District Janjgir Champa (C.G.)
6. Savitri Bai W/o Fagulal, aged about 31 years, R/o Village Meau, Police Station Pamgarh, District Janjgir Champa (C.G.)
7. Project Officer and Secretary, Women And Child Development Committee, Janpad Panchayat, Pamgarh, District Janjgir Champa (C.G.)

---- **Respondents**

For Petitioner	Shri Sanjay Patel, Advocate
For Respondents No.1-4 & 7/State	Shri Bhaskar Payashi, PL for the State
For Respondent No.5	Shri SK Verma, Advocate
For Respondent No.6	Shri US Chandel, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****10/07/2015**

1. Petitioner has assailed the legality and validity of the order passed by the State Government on 24-11-2012, dismissing the revision application preferred by the petitioner challenging the order passed by the Director Panchayat on 30-9-2008, which in turn arose out of order passed by the

Additional Collector, Janjgir-Champa on 11-4-2007.

2. Facts of the case, briefly stated, are that Gram Panchayat, Meau initiated process of recruitment of Anganwadi Worker, in which the petitioner as well as respondent No.6 were applicants amongst other candidates. The Gram Panchayat recommended name of the petitioner on the ground that amongst all available candidates, she is entitled for preference for the fact that she is a deserted lady. Before the Gram Panchayat the petitioner had submitted a certificate dated 22-12-2005, signed by the Sarpanch and the Upsarpanch stating that she is a deserted lady as her husband has deserted her w.e.f. 5-1-2002. The petitioner was eventually appointed on 9-9-2006. Respondent No.6 preferred an appeal against this order before the Additional Collector, Janjgir-Champa.
3. Additional Collector, Janjgir-Champa, by order dated 11-4-2007 allowed the appeal and set aside petitioner's appointment on the ground that her husband has submitted an affidavit stating that proceedings under Section 125 Cr.P.C. is pending but divorce has not taken place. This order of the Additional Collector has been affirmed by the District Panchayat and the State Government .
4. Shri Sanjay Patel, learned counsel for the petitioner would submit that since there was a matrimonial dispute between the petitioner and her husband a false affidavit sworn by her husband could not form basis for cancellation of petitioner's appointment. He would also submit that the petitioner is a deserted lady for which a certificate has been issued by the Gram Panchayat and the same ought to have been believed and acted upon by the authorities.
5. Per contra, learned State counsel and learned counsel for respondents No.5 & 6, respectively, would submit that there is no illegality in the impugned order. Shri Verma, learned counsel appearing for the Gram Panchayat would submit that the certificate issued by the Gram Panchayat was based on the obtaining facts available with the Gram Panchayat.
6. In the certificate issued by the Gram Panchayat it is mentioned that petitioner's husband has deserted her on 5-1-2002, therefore, she is a deserted lady, whereas in the order passed by the CJM, Janjgir-Champa,

allowing petitioner's application under Section 125 Cr.P.C, it is mentioned that in her application, the petitioner has stated that she has been deserted by her husband in April, 2004. Since this statement of the petitioner has been accepted by the Judicial authority to award maintenance in her favour, the same cannot be disbelieved. If the petitioner was deserted in April, 2004 the fact mentioned in the certificate issued by the Gram Panchayat that she has been deserted by her husband on 5-1-2002 is factually incorrect. In the circular issued by the State Government governing the appointment of Anganwadi workers, it is clearly mentioned in para 1.10 explanation (घ) that for a lady to be treated as deserted, she is to remain separate from her husband for a period more than two years.

7. Thus, it would clearly appear that on the date of issuance of certificate by the Gram Panchayat, the petitioner did not fall in the category of deserted lady.
8. On this ground alone the petitioner was not entitled to preference in the matter of appointment of Anganwadi worker. The authorities have found that respondent No.6 was more meritorious than the petitioner, therefore, the impugned orders passed concurrently by three authorities does not call for any interference. Accordingly, the writ petition is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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