

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 189 of 2015**

1. Smt. Lalkunwar W/o Shri Ram Chandra Aged About 22 years  
Occupation Anganbadi Worker At Anganbadi Centre,  
Mahadevpara - 2, R/o Girwarganj, Tahsil And District Surajpur  
( C.G.)

---- Appellant

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of  
Panchayat & Rural Development, D.K.S. Bhawan, Raipur ( C.G.)
2. The Commissioner, Division Surguja, Ambikapur (C.G.)
3. The Collector, District Surguja (Ambikapur) C.G.
4. The Project Officer, Unified Child Development Project, Surajpur,  
District Surajpur (C.G.)
5. The Chief Executive Officer, Janpad Panchayat, Surajpur, District  
Surajpur (C.G.)
6. Smt. Jugeshwari Rajwade W/o Late Chandrika Rajwade Aged  
About 22 Years R/O Girwarganj, Mahadevpara, Tahsil Surajpur,  
District Surajpur (C.G.)

---- Respondents

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|------------------------------|---|----------------------------|
| For Petitioner               | : | Shri A.K. Shukla, Advocate |
| For State/Respondents 1 to 5 | : | Shri R.K. Gupta, Dy. A.G.  |
| For Respondent 6             | : | Shri A.N. Pandey, Advocate |

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**HON'BLE SHRI NAVIN SINHA, ACTING CHIEF JUSTICE &  
HON'BLE SHRI P. SAM KOSHY, J.**

**Order On Board****Per NAVIN SINHA, ACTING C.J.****23/03/2015**

1. The present appeal arises from order dated 25.2.2015 dismissing Writ Petition (S) No. 4611 of 2012. The Learned Single Judge declined to interfere with the order of the Collector dated 27.12.2012 affirmed by the Commissioner on 25.9.2012 in appeal allowing the appeal of

Respondent No.6 setting aside the appointment of the Appellant as Aanganbadi Worker.

2. Learned Counsel for the Appellant submits even if Respondent No.6 was entitled to additional weightage of 15 points as being a widow, that benefit was available to her exclusively in her matrimonial village only and not her parental village. It was next submitted that the domicile certificate produced by Respondent No.6 in proof of being a resident of village Girvarganj was not obtained from the Tehsildar who was alone competent to do so. Moreover, the domicile certificate had been issued barely ten months after the death of her husband on 5.1.2010. The order of the Collector and the Commissioner are therefore not sustainable. The Appellant is entitled to reinstatement. No other ineligibility or irregularity is alleged in her appointment.

3. Learned Counsel for the State and Respondent No.6 have supported the order of the Collector as affirmed in appeal by the Commissioner.

4. Learned Counsel for the State submitted that under the policy preference was to be given to widows. Respondent No.6 is a widow is not in dispute. It is a pure question of fact if after the death of her husband, she had returned to her parental village. The authorities have not acted arbitrarily but have accepted her residence proof furnished by the Sarpanch and the Secretary. There has been no challenge to these two certificates.

5. We have considered the submissions on behalf of the parties. Aanganbadi Workers are not government servants. They are agents of

the government appointed for dissemination of a Welfare Scheme with regard to pregnant women and children to make available social facilities to them. The government is the best judge whom it wishes to appoint as an agent for dissemination of its scheme. It is not for the Court to decide who will be a better agent for dissemination of the scheme. But because the appointments are made by the government, judicial review will be available to a limited extent to examine if there has been any blatant violation of the Circulars regulating the appointment, arbitrariness or violation of the principles of natural justice etc.

**6.** In the facts of the present case, it is not in dispute that Respondent No. 6 is a widow after her husband passed away on 5.1.2010. It is not unusual in the Indian rural environment for a widow to go back to her parental home. In any event it is a disputed question of fact. No materials have been placed before us to dispute this assertion of fact made by Respondent No.6. The voters' list sought to be relied upon bears the name of husband of Respondent No.6 which evidences that it is an old document prepared during his lifetime and cannot be made as proof for events after his death. Respondent No.6 has produced proof of residence from the Sarpanch and Secretary of village Girvarganj where her parents resided. The Appellant did not challenge these certificates. It cannot be said that the Collector and the Commissioner have acted arbitrarily without any materials for their satisfaction that Respondent No.6 was residing in village Girvarganj. A place of residence being a question of fact, this Court cannot go into sufficiency of the materials placed before the authorities, especially, when there is no challenge to the certificates. Likewise, the fact that

domicile certificates may not have been issued by the Tehsildar is an irregularity in the nature of the present appointment.

7. In the entirety we find no reason to interfere with the order under appeal.

8. The appeal is dismissed.

**ACTING CHIEF JUSTICE**

**JUDGE**