

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 12517 of 2012 (O&M)

Date of Decision: 08.01.2015.

Pooja

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Sunita Nambiar, Advocate for the petitioner.

Mr. D.S. Nalwa, Addl. A.G., Haryana.

Mr. Ravinder Malik (Ravi), Advocate for
respondent no.4.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorari for quashing the selection and appointment of private respondent no.4 to the post of Aanganwari Worker.

Facts of the present case are in a very narrow compass. The present petitioner is stated to be married with one Jai Kumar and is a resident of Village Ledi, Tehsil Chachrauli, District Yamunanagar. She is stated to have participated in a process of selection for the post of Aanganwari Worker in the village. In such process of selection, it is respondent no.4, who has been duly selected and appointed as Aanganwari Worker vide appointment letter dated 1.6.2012.

The sole ground of challenge pressed on behalf of the petitioner is that in the process of selection, private respondent no.4 i.e. the selected and appointed candidate, has been assigned 15 marks arbitrarily and without

any sanction in law. Learned counsel for the petitioner would submit that such 15 marks could have been granted only to a candidate, who was a divorcee, whereas the factual position is that respondent no.4 was not legally divorced as on the date of appointment and towards such assertion has referred to document at Annexure P-1, whereby the petition under Section 13-B of the Hindu Marriage Act and for grant of decree of divorce for dissolution of marriage by mutual consent was still pending.

Per contra, learned State counsel as also learned counsel appearing for the selected candidate would support the selection and appointment of the private respondent by placing reliance on a *Panchayati Compromise* appended as Annexure R-1 along with the written statement filed on behalf of respondents no.1 to 3. Such compromise is dated 18.4.2011. Perusal of the same would reveal that specific conditions were incorporated between the parties i.e. private respondent no.4 and her husband namely Rajesh Kumar and whereby Sushma Rani was paid a sum of Rs.50,000/- towards compensation. Furthermore, a motorcycle Hero Honda Splendor bearing registration no. HR-71-0803 model 2008, which was registered in the name of the husband namely Rajesh Kumar was to be got transferred in the name of Sushma Rani or in the name of any other person as desired by her. It was further decided in terms of such compromise that minor son born out of wedlock namely Harman would now live with the father namely Rajesh Kumar. Such compromise further envisaged that it would be open for the parties to obtain a decree of divorce by mutual consent by filing an application under Section 13-B of the Hindu Marriage Act.

Having heard learned counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that no case for interference is made out.

Concededly, a weightage of 15 marks had been earmarked for a candidate applying for the post of Aanganwari Worker and who was a divorcee. Clearly such weightage was provided with an objective i.e. a lady, who is not enjoying the comfort and security of a matrimonial home. Undoubtedly, a valid decree of dissolution of marriage may have eluded the petitioner, yet, there is a compromise at Annexure R-1 and in pursuance to which the private respondent is staying separately. It is not even the case made out on behalf of the petitioner in terms of filing of replication/rejoinder that the compromise dated 18.4.2011 is a sham or has not been acted upon. It has not even been averred anywhere in the pleadings on behalf of the petitioner that private respondent no.4 is staying together with her husband namely Rajesh Kumar.

Under such circumstances, no infirmity can be found in the action of the respondent authorities in having awarded a weightage of 15 marks in a selection process for the post of Aanganwari Worker in favour of respondent no.4.

There is no merit in the present petition and the same is consequently dismissed.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

January 08, 2015.
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