

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

CWP No.18152 of 2012

Date of Decision:05/11/2015

Ritu Rani

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arun Bansal, Advocate for the petitioner.
Mr. Harish Rathee, Sr. D.A.G. Haryana.
Mr. Gurmail Singh, Advocate for respondent No.5.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

DEEPAK SIBAL, J. (Oral)

The uncontroverted facts which have emerged from the perusal of the record and after hearing learned counsel for the parties are that the petitioner who is a widow with two minor children through order dated 21.3.2011 was ordered to be appointed as an Anganwadi Worker in village Radour, Block Radour, District Yamunanagar. While she was discharging her duties as an Anganwadi Worker, respondent No.5 made a complaint wherein it was stated that as per the prescribed criteria, she should have got more marks than the petitioner. On such representation, the respondents reconsidered the entire matter and found that in fact respondent No.5 should have got 76 marks as against 75 marks as secured by the petitioner. On the basis of the above, the respondents took a decision to scrap the selection for the post in question to hold fresh selection.

Learned counsel for the petitioner submits that there are two posts of Anganwadi Workers which are available in village Radour, Block Radour, District Yamunanagar and the only discrepancy found in the selection process was wrong calculation of marks of

respondent No.5 and even if respondent No.5 is given 76 marks and appointed in place of the petitioner, there would still remain another post available for appointment of the petitioner. It is further submitted that there is no other candidate who falls between the petitioner and respondent No.5 in order of merit.

Learned counsel for the State on instructions from the District Programming Officer, Yamunanagar, admits to the above factual position.

In view of the aforementioned facts, I feel that the ends of justice would be met if both the petitioner and respondent No.5 are appointed against two available posts of Anganwadi Workers in Village Radour, Block Radour, District Yamunanagar, especially when there is no allegation of any fraud or misrepresentation having been played by either of the parties.

In view of the above, the impugned order dated 8.9.2012 (Annexure P-2) is quashed and the respondents are directed to appoint both respondent No.5 and the petitioner against two vacant posts as referred to above with immediate effect. It is made clear that the aforementioned appointments would be treated as fresh appointment from the date the petitioner and respondent No.5 join their duties.

The present writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

05.11.2015
rajeev