

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

113

Civil Writ Petition No.8237 of 2015

Date of Decision:30.04.2015

Bachni Devi

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Rajesh Gupta, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

Notice of motion.

Mr.Anshul Gupta, Assistant Advocate General Punjab, present in the Court, accepts notice. Requisite number of copies of the paper book have been supplied to him. As regards the nature of order, I propose to pass, no formal written statement on behalf of the respondents is imperative, at this stage.

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider and appoint the petitioner as Anganwari Worker for village Kotli Mugla, Tehsil and District Pathankot, since she is fully eligible and was even selected for appointment. So much so, vide letter dated 16.10.2014 (Annexure P9), issued by respondent No.6, even the appointment of the petitioner as Anganwari Worker for village Kotli Mugla, District

Pathankot, had been approved, yet petitioner had not been appointed. It is averred that the respondents initiated the process for appointment on 16.09.2013 as regards various vacant posts of Anganwari Workers/helpers in different villages including village Kotli Mugla. Petitioner purports to be a Scheduled Caste candidate and also suffers from permanent physical disability to the extent of 45%. She applied for the post of Anganwari Worker and on consideration of her claim, she was selected, and placed at Sr.No.7 in the merit list, prepared by the respondents (Annexure P3). However, vide letter dated 21.02.2014 (Annexure P4), issued by respondent No.7, to Civil Surgeon, Pathankot, doubt as regards the disability certificate of the petitioner was expressed and request was made to have the petitioner, re-examined, medically. But Medical Officer, Civil Hospital, Pathankot, vide letter dated 03.03.2014 (Annexure P5), addressed to the Civil Surgeon, Civil Hospital, Pathankot, certified that the disability certificate issued by Senior Medical Officer, Community Health Centre, Gharota, to the petitioner was genuine. Vide order dated 01.07.2014 (Annexure P6), quite a few candidates, who participated in the common selection process were appointed in different villages. That being so, the petitioner represented to respondent No.3, in this regard, vide representation dated 11.09.2014 (Annexure P7), and in response, respondent No.3 sought a status report from respondent No.5 on the matter, vide letter dated 28.11.2014 (Annexure P8). As despite, a considerable lapse of time, nothing tangible result emerged, respondent No.4 i.e.District Programme Officer, Pathankot, again wrote to respondent No.7, to

explain within two days as to why the appointment of Anganwari Worker in village Kotli Mugla was kept pending, whereas, in all other villages, appointments have since been made. Despite that being so, it is maintained that the claim of the petitioner is being kept in abeyance for no tangible reason.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of only with a direction to the respondents, to consider and decide the claim of the petitioner, within a specified time.

That being so, learned State counsel contends that if the claim of the petitioner as regards her appointment to the post of Anganwari Worker is indeed, still pending consideration of the authorities, the same shall be considered and decided within a period of one month from the date of receipt of the certified copy of this order.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to the respondents, to consider and decide the claim of the petitioner as regards her appointment as Anganwari Worker in village Kotli Mugla, District Pathankot, strictly, in accordance with law, within a period of one month, from the date of receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

30.04.2015

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NEENU VERMA
2015.05.02 12:58
I attest to the accuracy and
integrity of this document

(ARUN PALLI)
JUDGE