

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA No. 1138 of 2015 (O&M)

Date of decision : 01.04.2015

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Nirmala Devi

.....Appellant

Versus

Saroj Bala and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Jayoti Parshad Sharma, Advocate for the appellant.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The appellant has filed this regular second appeal against the judgment and decree dated 4.9.2013 passed by the trial Court and judgment and decree dated 9.3.2015 whereby an appeal against the judgment of the trial Court has been dismissed.

Plaintiff, Saroj Bala had filed a suit against the Director, Department of Women and Child Development Haryana at Chandigarh that the appointment given to respondent no.6 as

Anganwari Helper be declared null and void. Plaintiff had made an application for appointment of Anganwari Helper in the Village Dholgarh. Plaintiff was fifth pass and widow. The selection procedure was conducted on 24.12.2010 and plaintiff was rejected.

On notice, the defendants stated that applications were invited for the post of Anganwari helper in Village Dholgarh. The date for submitting applications was fixed for 16.12.2010. It is submitted that for the interview the date was fixed for 24.12.2010 instead of appointment. As per the guidelines in para 11 of the instructions dated 12.6.2008, an incomplete application without accompanying relevant/essential documents was to be rejected. The application of the plaintiff was incomplete as the educational qualification certificate i.e 5th Class certificate was not clear about passing the relevant class as per the instructions dated 12.6.2008. The application form was rejected by the selection committee of ADC, Karnal, Programme Officer, Karnal, CDPO Karnal, Panch of Village Dholgarh and Supervisor and CDPO, Karnal. Another candidate Smt. Geeta at Sr. No.5 was also rejected due to incomplete/non-availability of form. Nirmala Devi was selected on the basis of merit and she joined her duties on 17.3.2011 at Village dholgarh. The trial Court decreed the suit of the plaintiff. The plaintiff had given certificates Annexures P-1 & P-7 to the Selection Committee. As per these certificates, plaintiff was fifth class pass. The respondents had adopted a procedure of favoritism and the selection of the defendant no.7 is absolutely arbitrary, discriminatory, unlawful and against the principle of natural

justice. It was specifically admitted by DW-1 that the plaintiff attended the interview and attached the 5th class certificate while depositing his application form, which is Ex. P-7. A perusal of Ex. P-7 shows that the educational qualification of the plaintiff was fifth class pass on the date of the interview. Ex. P-1 was also given by the plaintiff which was not taken into consideration by the Selection Committee. As per Ex. P-1 also the plaintiff was 5th class pass at the time of interview. The plaintiff was given 30 marks in the whole selection procedure. As per the final result Ex. D-3, the application dated 30.3.2011 was being used to nullify the claim of the plaintiff. The appointment of defendant no.6 was found to be illegal null and void and the suit of the plaintiff was decreed. The defendants were directed to give compensation of Rs. 50,000/- to the plaintiff.

On appeal, the lower appellate Court affirmed the findings of the trial Court on merits, however, set aside the grant of compensation of Rs.50,000/- by the defendants to the plaintiff. After going through the judgments passed by both the Courts, there is no dispute with regard to the factual position that the plaintiff at the time of interview had given her certificates Annexures P-1 to P-7. Both the documents clarify that she was 5th pass and was eligible for appointment of Anganwari worker. The selection of appellant Nirmala Devi was found to be illegal in the backdrop of the certificate of eligibility in favour of the plaintiff.

In view of all that has been discussed above, the judgments passed by the trial Court and Appellate Court do not

require any interference. No substantial question of law arises for determination in this regular second appeal. Hence the same is dismissed.

01.04.2015
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(RITU BAHRI)
JUDGE