

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA No. 3562 of 2014 (O&M)

Date of decision : March 27, 2015

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Smt. Kaushalya Devi

.....Appellant

Versus

Nirmala Devi and others

.....Respondents

*** * * * ***

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. R.S Sharma, Advocate for the petitioner.

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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

C.M No. 8227-C of 2014

For the reasons mentioned in the application, delay of 119 days in filing the appeal is condoned.

C.M is allowed.

RSA No. 3562 of 2014

The appellant has filed this regular second appeal against the judgment dated 7.9.2011 passed by the Additional Civil Judge (Sr. Division), Fatehabad and the judgment dated 11.11.2013 passed by the Additional District Judge, Fatehabad, whereby the appeal against the judgment of the trial Court was dismissed. Vide the judgment of the trial Court, suit of the plaintiff (respondent no.1), Nirmala Devi was partly decreed by giving directions to the respondent-State of Haryana to call the plaintiff and defendant no.6 (appellant)-Kaushalya Devi again for interview in compliance of judgment Mark A (copy of judgment dated 20.4.2009 passed in suit

No. 205 of 2008) and instructions Ex. D2 and thereafter to consider the case of the plaintiff and defendant no.6 to the post of Anganwadi worker in Village Dhani Dhaka, Tehsil and District Fatehahad.

Plaintiff, Nirmala Devi had earlier filed a civil suit bearing No. 205-C of 2008 against State of Haryana and others which was allowed in her favour vide judgment and decree dated 20.4.2009 whereby Village Level Selection Committee (VLSC) was directed to consider the documents of Kaushalya Devi and the plaintiff after affording opportunity of hearing to both the candidates and thereafter to declare the result. However, the defendants failed to consider the the disability certificate produced by the plaintiff-Nirmala Devi which resulted in the loss of 15 marks to her and one certificate was excluded from consideration on the ground that this certificate was procured on 31.10.2007 whereas interview was held on 20.9.2007. The name of defendant no.6 was recommended on 15.6.2009 and the Selection committee did not consider the certificate dated 31.10.2007. The suit was partly decreed in the aforesaid terms on 7.9.2011 by the trial Court.

The appellant-defendant no.6 filed an appeal against the above said judgment of the trial Court which was dismissed by observing that the trial Court had rightly directed the official defendants to call the plaintiff and defendant no. 6 again for interview in compliance of judgment passed earlier by the Civil Court and in the light of government instructions, Ex. D-2 and thereafter consider the case of the plaintiff and defendant no.6 for the post of Anganwari

worker in village Dhani Dhaka, Tehsil and District Fatehabad.

Counsel for the appellant has informed that after the judgment of trial Court, the Department has not initiated the proceedings to interview the plaintiff Nirmala Devi as well as the present appellant Kaushalaya Devi for the post of Anganwari worker.

A perusal of the judgments passed by both the Courts further shows that the disability certificate of the plaintiff, Nirmala Devi had not been considered and without considering the same, name of the present appellant-defendant no.6 had been recommended.

In view of all that has been discussed above, the judgments passed by both the Courts below do not suffer from any illegality or infirmity and do not require any interference. No substantial question of law arises for consideration in this regular second appeal. Hence the same is dismissed.

March 27, 2015
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(RITU BAHRI)
JUDGE