

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

CWP No.20292 of 2014

Date of Decision: 13.12.2016

Amarjeet Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the State.

DAYA CHAUDHARY, J.

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned action of respondent No.2, whereby, the petitioner has not been selected for promotion on the post of *Supervisor* from *Anganwari worker* in pursuance of public notice dated 08.07.2013 by ignoring her merit, whereas, less meritorious candidates have been appointed.

Briefly, the facts of the case, as made out in the present petition, are that there are two categories of *Anganwari* workers under the respondent department, one is the category of *Anganwari* workers appointed on the basis of matriculation qualification and the another is category of *Anganwari* workers appointed on the basis of B.A qualification. The petitioner joined the respondent-department as *Anganwari worker* in

Matriculation category on 26.08.1983 and is working as such till today. A public notice dated 08.07.2013 was issued by respondent No.2 for the purpose of selection of *Supervisors* amongst the *Anganwari* workers working in the Anganwari Centres from both categories. The petitioner applied by filling up prescribed proforma in the category of *Anganwari* worker (matriculation) on the basis of her qualification. As per public notice, 10% of the total percentage of marks of matriculation examination was to be taken into consideration for preparing the merit for the said selection. Additional marks were also mentioned for different types of certificates having been secured by the candidates. One mark was to be given for each additional year of experience, which was to be counted till 01.07.2013. Similarly, three marks were meant for one year computer diploma and three marks of any diploma in the field of social education, Women and Children Welfare, Health related or educational field.

Petitioner is aggrieved by the action of the respondents in selecting the other candidates by ignoring her merit.

Learned counsel for the petitioner submits that the petitioner secured 50.8% marks in her matriculation examination and for that, she was to be awarded 5.8 marks of matriculation qualification. She was also having experience of 31 years as *Anganwari* worker and by deducting the minimum required term of eight years, she was to be awarded 24 marks for the experience and three marks for diploma in computer application and three marks for the course of *Trained Dai*. Learned counsel also submits that total marks of the petitioner comes to 35.8, whereas, she has been shown to have secured 26.8 marks in the merit list and the last selected candidate is having 29.33 marks. Learned counsel further submits that less marks have been

awarded to the petitioner due to which she has not been selected for which, no reason whatsoever has been mentioned. At the end, learned counsel for the petitioner submits that the selection on the post of *Supervisor* is liable to be set aside.

In response to notice of motion, the reply has been filed, which is on record.

Learned State counsel opposed the submissions made by learned counsel for the petitioner and submits that the petitioner has rightly been awarded marks in the selection process strictly in accordance with the criteria as prescribed in the public notice. Learned State counsel also submits that the last candidate selected in the category of the petitioner has secured 31.29 marks and hence, the petitioner was ineligible for appointment as *Supervisor*.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including the certificates of the petitioner.

The facts relating to publication of public notice and filling up of an application by the petitioner are not disputed. Total 286 posts of *Supervisors* were to be filled up out of *Anganwari* workers. 50% posts were to be filled up out of *Anganwari* works having graduation and 50% from *Anganwari workers* having matriculation. The criteria as mentioned in the public notice dated 08.07.2013 (Annexure P-6), is as under :-

<i>Sr. No.</i>	<i>For Matric Category</i>	<i>For B.A. Category</i>
1	10% of the total % secured in 10 th class	10% of the total % secured in B.A., B.Sc. or other graduate level course.

Sr. No.	For Matric Category	For B.A. Category
2	10% of the total % secured in +2. In case, there is any diploma under any fields mentioned hereunder than 3 marks will be given for that diploma :- 1. Social Studies 2. Women and Child Welfare 3. Health related 4. In the field of education	10% of the total % secured in M.A., M.Sc. or any other Post Graduate Level Course. In case of Additional M.A. than 5% of the total % secured. 5 Marks for M.Phil. 10 marks for P.H.D. 5 marks of B.Ed. and 5 marks of M.Ed.
3	For National award, 10 marks and for State award 5 marks received for good work done as Anganwari worker.	For National award, 10 marks and for State award, 5 marks received for good work done as Anganwari worker.
4	For Matric category fixed experience (8 years) and thereafter one mark each for every one year. The experience will be counted till date 01.07.2013.	For B.A category fixed experience (3 years) and thereafter one mark each for every one year. The experience will be counted till date 01.07.2013.
5	At least one year diploma of computer from any institute recognized by Punjab Government or Government of India will have 3 marks.	At least one year diploma of computer from any institute recognized by Punjab Government or Government of India will have 3 marks.
6	In case the applicant has worked in any Govt. Department in erstwhile A.C.C.E. Centre as Teacher or Bal Sevika than the marks of that experience will be awarded as per Anganwari workers.	-----
7	The upper age limit of 58 years for the selection of the applicant will be taken till 01.07.2013.	The upper age limit of 58 years for the selection of the applicant will be taken till 01.07.2013.

The petitioner applied in the category of *Anganwari* workers (matriculation). As per criteria mentioned in public notice (Annexure P-6), 10% of the total percentage of matriculation were to be awarded. Accordingly, 5.08 marks were awarded to the petitioner for her matriculation examination. She joined as *Anganwari* worker on 26.08.1983 and as per selection criteria prescribed in the public notice dated 08.07.2013 (Annexure P-6) for matriculation category, 8 years' experience was fixed and thereafter, one mark was to be given for each and every year, which was

to be counted till 01.07.2013. The petitioner was having experience of 29 years as *Anganwari* worker till 01.07.2013 and accordingly, by deducting the fixed experience of eight years, total 21 marks have been awarded to her. Three marks were given to the petitioner for one year diploma in computer. Three marks were to be given for any diploma in Social Studies, Women and Child Welfare, Health or Education and the petitioner is claiming her marks for training course of *Trained Dai*, whereas, it is only a training course and not a diploma and as such, no marks were awarded to her for the same in view of instructions dated 21.12.2011.

In the said instructions dated 21.12.2011 (Annexure R-1), it is clearly mentioned that the marks related to the course of *Trained Dai* will not be added. Petitioner was awarded total 29.08 marks in the merit list, whereas, the last candidate selected in that category secured 31.29 marks. Hence, it cannot be said in any manner that the petitioner was securing more marks than the last selected candidate in her category. Even a committee was also constituted to decide the objections filed against the final merit list, which were submitted by the candidates including the petitioner.

In view of the facts as mentioned above and by comparing the merit of the petitioner *viz-a-viz* the last selected candidate of the category against which the petitioner applied, it cannot be said in any manner that the petitioner was more meritorious. Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

13.12.2016
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

No