

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 19970 of 2015

Date of decision : February 02, 2016

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Smt. Rajesh Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Kanwal Goyal, Advocate for the petitioner.

Mr. Samarvir Singh, DAG, Haryana for
respondents no. 1 to 4.

Mr. S.K Yadav, Advocate for respondents no. 5 & 6.

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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 petition by way of the present writ petition is seeking a writ of certiorari for quashing the selection list dated 1.7.2015 (Annexure P-4) whereby the petitioner was awarded less marks on account of experience and respondent no.5 has been awarded more marks on account of educational qualification. Petitioner has further sought directions to the respondents to declare the petitioner as selected candidate for the post of Anganwari Worker.

The respondent-Department invited applications for filling

up the posts of Anganwari workers vide advertisement dated 13.3.2015 (Annexure P-1). On the backside of the application forms, the criteria for selection to the post of anganwari worker was given. The petitioner applied for the sole post of anganwari worker falling in ward no.1 of Division Mahendergarh vide application (Annexure P-2). Another advertisement (Annexure P-3) was issued, whereby the candidates were called for interview on the stipulated dates as mentioned in the advertisement. After conducting the interviews, the result was declared on 1.7.2015 (Annexure P-4), whereby the petitioner was shown at Sr. No.4 having secured 74 marks and respondent no.5-Pooja Bai was declared as selected candidate having secured 76 marks. The information was sought by the petitioner under the RTI Act on 7.8.2015 which was supplied by the respondent-department on 1.9.2015 (Annexure P-5). According to the petitioner, as per the information supplied under the RTI Act to her, respondent no.5-Pooja Bai has been wrongly awarded 60 marks for educational qualification. Since respondent no.5-Pooja Bai had secured 5.60 GPA in her matriculation examination, therefore, her percentage comes out to be 56% and not 61.80% as projected by her in her application form as well as the result declared by the respondent-Department and, therefore, as per the criteria mentioned at the backside of the application form, she should have been awarded 45 marks. The petitioner had secured 69.20% marks in the matriculation examination as per the matriculation certificate (Annexure P-8) and was having experience of 1 year and 7 months

as anganwari helper. Therefore, as per the aforesaid criteria, the petitioner should have been awarded 76 marks.

On notice, a reply dated 21.1.2016 has been filed by respondents no. 1 to 4. In paragraph 7, it has been explained that respondent no.5 was awarded 60 marks for educational qualification as per Deptt. Instructions dated 12.6.2008 (Annexure R-I) on the basis of calculation of percentage as per directions/criteria given by Haryana School Education Board, Bhiwani. (Annexure R-II). As per the matriculation certificate of respondent no.5, she has secured $66+61+56+51+75=309$ marks and as per criteria (R-II) the percentage would be $309/5=61.80$ and therefore, 60 marks have been rightly awarded to respondent no.5. It was further submitted in the reply that the petitioner has secured 346 marks and as per the criteria, the percentage would be $346/5=69.20\%$ and, therefore, 60 marks were awarded to the petitioner and with regard to marks given for the experience, it is submitted that experience criteria which was attached to the advertisement is hereby reproduced as under:-

'C' Experience:- Experience certificate issued by only a Government recognized organization would be considered to be valid. Maximum 7 marks for experience are as under:

<i>Sr. No</i>	<i>Experience</i>	<i>Marks</i>
1	1 year experience of aanganwadi worker/anganwadi helper balwadi/sanjeevani would get	3 marks
2	1 year to 3 years experience of aanganwadi worker/ balwadi/sanjeevani would get	5 marks
3	More than 3 year experience of Aanganwadi worker/Balwadi/Sanjeevani would get	7 marks

As the petitioner was having experience of 1 year 7 months as Anganwadi helper, therefore, petitioner was awarded 3 marks for the experience. The petitioner could not be awarded 5 marks for experience as that was to be given to an Anganwadi worker and not an Anganwadi helper. The petitioner got 74 marks whereas respondent no.5 got 76 marks.

I have heard the counsel for the parties. As per the stand taken by the respondents no. 1 to 4 in their written statement, no ground is made out to quash the selection list dated 1.7.2015 (Annexure P-4).

Having regard to the aforesaid, writ petition is dismissed.

February 02, 2016
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(RITU BAHRI)
JUDGE