

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

**CWP No.468 of 2016
Date of decision: 12.01.2016**

Sunita

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner has filed this writ petition for quashing the impugned order dated 29.10.2014 (Annexure P-14), passed by respondent No.2, whereby claim of the petitioner being appointed as Anganwari worker out of the waiting list has been declined.

The respondent-department invited the applications for the post of Anganwari worker from eligible candidates through proclamation in their respective wards. The petitioner being fully eligible for the said post, applied for the same and attached all the required documents including the educational qualification as well as the domicile certificate dated 03.11.2010 (Annexure P-1) showing the petitioner as a resident of Ward No.2. The petitioner

had secured 58% marks and was called for the interview for the post of Anganwari worker in the office of respondent No.3 on 28.10.2010. As per Selection List (Annexures P-2 and P-3), respondent No.5, namely, Kiran Bala @ Kiran Rani, who had secured 37.78% marks and respondent No.6 who had obtained 38.5% marks, have been selected. The posts were meant for General category.

A complaint was made by the petitioner alleging that respondent No.5 was not a resident of Ward No.2. The petitioner has also obtained a copy of voter list pertaining to Ward No.14, wherein the name of respondent No.5 is shown against Sr. No.488 as per Annexure P-6. Similarly, same type of documents have been supplied to the petitioner under RTI information pertaining to respondent No.6 which also shows that respondent No.6 had been given appointment by relying upon the forged documents i.e. resident certificate as well as voter list (Annexures P-7 to P-9).

Vide order dated 29.06.2011 (Annexure P-10) the complaint of the petitioner was failed by recording a finding that respondents No.5 and 6 were permanent residents of Ward No.2. The petitioner, thereafter, filed CWP No.13005 of 2011, which was dismissed as withdrawn with liberty to file the appeal vide order dated 25.07.2011. Thereafter, the petitioner filed an appeal before the Director, Women and Child Development, Panchkula (Annexure P-11). The copy of the enquiry report submitted by

Deputy Director dated 31.10.2013 is annexed as Annexure P-12. The petitioner, thereafter, preferred CWP No.10137 of 2014, challenging the order dated 29.06.2011 with a further prayer to decide the appeal Annexure P-11 which was pending before respondent No.2 since 02.08.2011. The said writ petition was disposed of vide order dated 23.05.2014, with a direction to respondent No.2 to decide the appeal Annexure P-11. The petitioner was also compelled to file COCP No.314 of 2015. Here, the petitioner was informed that final order on the appeal had already been passed on 29.10.2014. The petitioner has come up in writ petition against the order Annexure P-14.

A perusal of the order shows that the complaint made by the petitioner was received by the Vigilance Department on 05.08.2013 along with enquiry report of SDM, Narwana. It was mentioned that the documents were got prepared by the appointed candidates fraudulently. In the enquiry, the domicile of Rajvinder Kaur was found bogus and the domicile of Kiran was found genuine. Before enquiry, Rajvinder Kaur had given resignation from her post on 14.07.2011 and the guilty officers had been warned to be careful in future. The claim of the petitioner for issuing of appointment letter was declined on the ground that as per the instructions of the department dated 12.06.2008, the waiting list was valid up to six months. After interview, the selection list had been issued on 21.04.2011 and the vacancy

which became available after the resignation of Rajvinder Kaur was fulfilled on 20.03.2013. This vacancy had been filled up by following due process of selection as per Rules. In the absence of any vacancy, the claim of the petitioner for appointment as Anganwari worker has been rejected.

Learned counsel for the petitioner has argued that the appointment of respondent No.5 could not be entertained as in her application form (Annexure P-4) she had mentioned herself to be of Backward Class category, whereas in the selection list she has shown herself to be of General category. Whether respondent No.5 belongs to General Category, Backward Class Category and Scheduled Castes Category, would not be relevant factor as the posts were advertised being of General Category. Even if, respondent No.5 belongs to reserved category, she can be treated to be selected on merit on the abovesaid post as a General Category candidate. As per the enquiry conducted by Deputy Director, the domicile certificate of respondent No.5 was found to be genuine and her selection was made in accordance with the Rules.

The petitioner had made a complaint against the selection process way-back in the year 2011. She had been aware that on 14.07.2011, Rajvinder Kaur had given resignation. The post had become available on that date and on that date, the selection list dated 21.04.2011 was valid for next six months i.e.

the list was valid till 21.10.2011. After the validity of the list expired, the department proceeded to fulfill the vacancy by taking interview afresh and appointment was made on 20.03.2013 after the expiry of waiting list. The claim of the petitioner has rightly been rejected vide order dated 29.10.2014 (Annexure P-14). So, no ground for interference is made out.

Dismissed.

(RITU BAHRI)
JUDGE

12.01.2016

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