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

RSA No.4822 of 2015

Date of decision: February 23, 2016

Smt. Muneshwari

.....Appellant

Versus

Programme Officer and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Deipa Jain, Advocate for
Mr. Yash Dev Kaushik, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for declaration challenging appointment of defendant No.5 as Anganwari Worker.

The case of the appellant, in brief, was that she was working as a Helper in Anganwari Village Sotai from 15.06.2006 onwards. In September 2010, defendant No.3 advertised the post of Worker and Helper in Anganwari, Village Sotai. Appellant also applied for the said post. Appellant appeared in the interview on 13.10.2010. However, defendant No.5 was declared successful candidate, although, appellant was more meritorious.

Defendants No.1 to 4 in their written statement averred that the appellant as well as defendant No.5 had applied for the post of Anganwari Worker. Defendant No.5 had secured 62 marks, whereas, appellant had secured 60 marks. Due to this reason, defendant No.5 was declared as

the selected candidate.

Defendant No.5, in her written statement, averred that she had been rightly selected for the post of Anganwari Worker.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to the relief of declaration as prayed for?OPP
2. Whether the plaintiff is entitled to the relief of mandatory injunction as prayed for?OPP
3. Whether the suit is not maintainable in the present form?OPD
4. Whether the plaintiff has no cause of action or locus standi to file the present suit?OPP
5. Whether the plaintiff has suppressed the material facts from the knowledge of the court?OPD
6. Whether the plaintiff has not affixed the ad-valorem court fee on the plaint?OPD
7. Whether the Civil Court has no jurisdiction to entertain and try the present suit?OPD
8. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 05.12.2013 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld in an appeal filed by the appellant-plaintiff by the First Appellate Court vide its judgment/decreed dated 25.02.2015. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and have gone through the record available on the file carefully.

In the present case, admittedly, appellant as well as defendant No.5 had applied for the post of Anganwari Worker. As per Exhibit D1, appellant as well as defendant No.5 were given 45 marks each on account of their qualification/matriculation. Appellant was working as Anganwari Helper and on account of her experience, she was given 3 marks in this regard, whereas, no marks were given to defendant No.5 on this count. Both, appellant and defendant No.5, were given 8 marks being daughter-in-laws. However, appellant got 4 marks in the interview, whereas, defendant No.5 got 9 marks in the interview. Consequently, defendant No.5 secured 62 marks in all, whereas, appellant had secured 60 marks. Since defendant No.5 had secured more marks than the appellant, the Courts below rightly held that defendant No.5 had been rightly selected as Anganwari Worker.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 23, 2016
mahavir