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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5179 of 2007**

Smt. Rekha Bai, W/o-Shri Ramanuj Satnami, Aged About-23 years, R/o-Village-Sukwapara, Tehsil-Kawardha, Distt.-Kabirdham (CG)

----Petitioner**Versus**

1. State of Chhattisgarh through it's Secretary, Department of Women and Child Development, D.K.S. Bhawan, Raipur (CG)
2. Additional Collector, Distt.-Kabirdham (CG)
3. Project Officer, Women and Child Development, Bodala, Distt.-Kabirdham (CG)
4. Smt. Radha Bai, D/o-Mantridas, Aged About-22 years, R/o-Village-Sukwapara, Tehsil-Kawardha, Gram Panchayat-Mandalatola, Distt.-Kabirdham (CG)

---- Respondents

For Petitioner	:	Mr.Ravi Kumar Bhagat, Advocate
For Res. No.1 to 3	:	Mr.Dhiraj Wankhede, G.A.
For Res.No.4	:	Mr.Utsav Mahiswar

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/02/2017**

1. Respondent No.4 was appointed as Aganwadi Worker at village Panchayat Sukwapara, Block-Bodla, District-Kabirdham by order dated 8.11.2006. That order was set aside by the Additional Collector, Kabirdham vide order dated 30.12.2006. Against that order, the writ petition being WP (S) No.1560 of 2007 was filed by respondent No.4. This Court by order dated 19.3.2007 set aside the

order dated 30.12.2006 passed by the Additional Collector, Kabirdham on the ground of violation of principles of natural justice and remitted back the matter to the Additional Collector, Kabirdham to hear the objection after giving proper opportunity of hearing to the affected persons.

2. The Additional Collector, Kabirdham by order dated 4th June, 2007 allowed the appeal of respondent No.4 holding that she is more suitable candidate for the post of Aganwadi Worker.
3. Feeling aggrieved against the said order, the present writ petition under Article 226 of the Constitution of India has been filed by the petitioner.
4. Mr.Ravi Kumar Bhagat, learned counsel appearing for the petitioner, would submit that the order impugned passed by the Additional Collector, Kabirdham is patently illegal and bad in law as respondent No.4 has wrongly been held to be deserted woman and the petitioner has wrongly been held that her name is recorded in the voter list of village Sukwapara as well as village Chorbhatti as she is most suitable candidate for the post of Aganwadi Worker, therefore, the order impugned deserves to be set aside.
5. On the other hand, Mr.Utsav Mahiswar, learned counsel appearing for respondent No.4, would submit that the

order passed by the Additional Collector, Kabirdham is strictly in accordance with law and the writ petition deserves to be dismissed.

6. I have heard learned counsel appearing for the parties, considered their rival submissions made herein and also gone through the documents appended with the petition.
7. It is not in dispute that the petitioner as well as respondent No.4 both are members of Scheduled Caste and have passed 8th examination. Both are not members of below poverty line. The Additional Collector, Kabirdham has held that respondent No.4 is deserted woman and fulfilled the condition for giving priority for the post of Aganwadi Worker. The Additional Collector has also held that name of the petitioner has been entered into voter list of village Sukwapara as well as village Chorbhatti, whereas name of respondent No.4 has been only entered into voter list of Sukwapara where Aganwadi Worker has to be appointed. Thus, on the basis of finding recorded by the Additional Collector that respondent No.4 is deserted woman, she has been directed to be appointed on the post of Aganwadi Worker of village Sukwapara by the competent officer and the petitioner has held to be not entitled for appointment as she is staying in village Chorbhatti with her husband.

8. Mr.Ravi Kumar Bhagat could not submit any document at any point of time to show that the petitioner is only resident of village Sukwapara and finding recorded by the Additional Collector, Kabirdham is perverse or contrary to the record. He could not file any document to show that respondent No.4 is not deserted woman. Thus, the finding recorded by the Additional Collector on the entitlement of respondent No.4 is a finding of fact. Respondent No.4 being deserted woman is definitely entitled for priority in appointment for Aganwadi Worker as per Government Instructions which has been given by the Additional Collector, Kabirdham. I do not find any jurisdictional error in the order impugned.
9. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-
(Sanjay K.Agrawal)
Judge

B/-