

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2050 of 2012

- Smt.Kavita Sahu W/o Raj Kumar Sahu, aged about 23 years, R/o. Village Kevti, Gram Panchayat Dugala, Tahsil Manendragarh, Distt. Korla C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh, through Secretary, Women and Child Development, DKS Bhawan, Mantralaya, Raipur (CG)
2. Commissioner, Surguja Division, Ambikapur, District Surguja C.G.
3. Women & Child Development Officer Manendragarh, District Korla C.G.
4. Sarpanch, Gram Panchayat Dugala, Tahsil Manendragarh, Distt. Korla C.G.
5. Chief Executive Officer, Janpad Panchayat, Manendragarh, District Korla (CG)
6. Additional Collector, Manendragrah, District Korla (CG)
7. Smt. Rajkumari W/o Vijay Kumar, R/o. Village Kevati, Gram Panchayat Dugala, Janpad Panchayat, Manendragarh, Distt. Korla C.G.

---- Respondent

For Petitioner	Mrs. Hameeda Siddique, Advocate
For Respondent/State	Mr. SP Kale, Dy. AG
For Respondent No.7	Mr. Shakti Raj Sinha, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

16/5/2017

1. Heard.
2. The issue brought before this Court pertains to appointment of Mini Aanganbadi Worker for Village Kevati, Gram Panchayat Dugala.
3. Without advertng to the factual details, suffice it would be to mention that out of four applications received by the Gram

Panchayat, two candidates were declared ineligible leaving the present petitioner and respondent No.7 in the fray. The petitioner was appointed on the ground that she is more meritorious, however, her appointment was cancelled in the appeal preferred by respondent No.7 for the reason that the petitioner was a resident of village Budar and not of Village Kevati. Similarly, respondent No.7 was not appointed for the reason that on the date of consideration, her close relative was working as Rozgar Sahayak in the concerned Gram Panchayat.

4. The petitioner and respondent No.7 have respectively contended before this Court that even if they were not eligible on the date of consideration, at present, the petitioner is eligible, because, she is now married and residing at village Kevati, whereas, respondent No.7 is eligible, because, she does not incur any disqualification, which is alleged against her.
5. In the peculiar facts and circumstances of the case, instead of directing the recruiting agency to consider the eligibility on the date of issuance of advertisement or initiation of process of recruitment, it would be appropriate to dispose of this writ petition with direction to the concerned recruiting agency to initiate fresh process of recruitment of Mini Aanganbadi Worker for Village Kevati, Gram Panchayat Dugala and allow the petitioner including all other eligible candidates as well as respondent No.7 to participate in the freshly drawn recruitment process.
6. It is ordered accordingly.
7. The writ petition is finally disposed of.

Judge

(Prashant Kumar Mishra)