

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3759 of 2017

Smt. Saraswati Dewangan W/o Ajit Dewangan Aged About 31 Years R/o
Infront Of B T I Kobiya, Tahsil & District Bemetara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Chief Municipal Officer, Municipal Council, Bemetara, District Bemetara, Chhattisgarh.
3. Project Officer, Women And Child Welfare Project, Bemetara, District Bemetara, Chhattisgarh.
4. Smt. Pushpa Patle, W/o Preman Prasad, R/o Kobiya, Tahsil & District Bemetara, Chhattisgarh.
5. Smt. Bharati Thakur W/o Mahesh Thakur, R/o Ward No. 8, Kobiya, Infront Of B T I Bemetara, Tahsil & District Bemetara, Chhattisgarh.

---- Respondents

Shri Samir Singh, counsel for the petitioner/s.
Shri A.S.Kacchawaha, Addl. A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/08/2017

This petition, under Article 226 of the constitution of India, is preferred against order dated 27/06/2017 passed by the Additional Commissioner, Durg Division, Durg by which, the petitioner's revision has been dismissed.

2. In the matter of selection to the post of Anganbadi Worker of Dr. Bheemrao Ambedkar Ward No.8, Kobiya, District – Bemetara, applications were invited, in response to which, petitioner and respondents 4, 5 and other applicants submitted their applications. Respondent No.4 was selected and appointed as Anganbadi Worker. When her appointment was challenged by

the petitioner by filing appeal before the Collector, main ground of challenge was that respondent No.4 was not resident of Ward No.8 which was one of the essential eligibility criteria for being appointed as Anganbadi Worker. The Collector allowed the appeal relying upon evidence of the petitioner and disbelieving the evidence of respondent No.4. Aggrieved by the order of the Collector, respondent No.4 preferred a Revision before the Commissioner. The Commissioner, after examination of relevant records and relying upon the certificate issued by Ward No.8, reversed the finding of the Collector and held that respondent No.4 was duly eligible and qualified for appointment as Anganbadi Worker at Ward No.8. It is this order, which is under challenge in this petition.

3. Learned counsel for the petitioner submits that the certificate issued by the Corporator of Ward No.8 ought not be relied upon by the Commissioner and disbelieved by the Commissioner because the voter list submitted by the petitioner shows that the name of respondent No.4 was not included in the voter list.

4. It appears that while making an enquiry into factual aspect as to whether respondent No.4 was local resident of Ward No.8, both the parties led their evidence in support of their case. While the petitioner submitted voter list to submit her case that respondent No.4 was not included in the voter list and therefore, she should not be treated as resident of the concerned ward, respondent No.4 produced a certificate of the Corporator of that very ward. While the Collector rejected the said document of the Corporator of the ward, the Commissioner chose to believe the same.

5. Whether or not respondent No.4 is resident of ward No.8 is essentially a factual aspect. The finding of fact recorded by the Collector in that regard is based on some relevant evidence i.e. the certificate issued by the Corporator of Ward No.8. Therefore, it cannot be said that the finding is perverse and based on no evidence so as to call for interference in exercise of certiorari jurisdiction under Article 226 of the Constitution of India. It is not even a case of the petitioner that in the matter of selection, only a particular kind of certificate could be accepted as proof of evidence.

6. On the other hand, learned State counsel submits that according to Government's policy, certificate of residence issued by the ward would be

relevant.

7. Therefore, in these circumstances, I do not find that there is any error in decision making process so as to call for interference by this Court. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Deepti