

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2287 of 2017**

- Smt. Sunita Tiwari W/o Shri Ram Kumar Tiwari, Aged About 43 Years R/o Village Niche Para, Ama Khokhara, Block Podi, Uproda, Tahsil Katghora, Civil & Revenue District Korba (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Women And Child Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The Collector, Korba, District Korba, Chhattisgarh.
3. Project Officer Integrate Children Development Project, Podi Uproda, District Korba (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat Podi Uproda, District Korba (Chhattisgarh)
5. Smt. Nilima Jaiswal, W/o Abhijit Kumar Jaiswal, Aangan Badi Worker, Village Amakhokhara, Block Podi Uproda, District Khatghora, District Korba (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri GR Miri, Advocate with Shri Basant Kaiwartya, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****17/05/2017**

1. Petitioner claims to have applied for recruitment on the post of Anganbadi Worker of Anganbadi Center, Amakhokhara, Gram Panchayat, Amakhokhara, Block Podi Uproda, District Korba. When the appointment order was not issued in her favour, she preferred WPS No.2341/2015 on the allegation that she is the more meritorious candidate, yet in the garb of an

enquiry pending before the Collector, the recruitment process is not finalized. In the said writ petition, this Court directed the Collector to complete the enquiry and proceed further in the matter, however, liberty was reserved in favour of the petitioner to move afresh if the order is adverse to her interest.

2. By the present impugned order, the Collector has directed that the District Program Officer, ICDS, Korba shall proceed further to complete the recruitment process on the basis of the applications received pursuant to the first advertisement issued on 18.10.2012.
3. Shri GR Miri, learned counsel for the petitioner would submit that the finding recorded in different sub-paras of paragraph 8 are contradicting each other and moreover the Collector has already recorded a finding that petitioner's application pursuant to the advertisement dated 18.10.2012 is not on record, therefore, her candidature will not be considered.
4. Learned State counsel would submit that if the petitioner has not moved the application by submitting it before the appropriate authority of the Gram Panchayat, she has to blame herself and her candidature cannot be considered in the absence of application.
5. On perusal of the finding recorded in different sub-paras of paragraph 8 of Collector's order, it would appear that in para 8.2 the Collector has recorded a finding that in the dispatch register of the concerned authority there is no entry for issuance of advertisement either on 18.10.2012 or on 10.12.2012. If that be so, the Collector could not have directed further in para 8.7 to proceed with the first advertisement, which, according to the collector, was not at all entered in the dispatch register. Meaning thereby that there was no direction for issuance of such advertisement for Anganbadi Center,

Amakhokhara.

6. In order to give quietus to the entire dispute which has withheld appointment of Anganbadi worker since the year 2012, ends of justice would be served if the writ petition is disposed of with direction that the concerned authority shall issue fresh advertisement for recruitment of Anganbadi Worker of Anganbadi Center, Amakhokhara, Gram Panchayat, Amakhokhara, Block Podi Uroda, District Korba, within a period of one month from today. The said advertisement shall be widely published and circulated in the concerned area giving at least 15 days time to the intended applicants to response to the advertisement. Thereafter, the selection process shall be completed within a period of three months from the last date of submission of application form.

Sd/-

Judge

Prashant Kumar Mishra

Ashu