

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

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CWP No.18941 of 2017 (O&M)

Date of Decision: 07.10.2017

Sarbjit Kaur

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant writ petition is directed against the order dated 15.11.2016 (Annexure P-9), vide which, private respondent No.5 (Kuljit Kaur) has been appointed as Anganwari Worker at Village Kadrabad, Block Majitha, District Amritsar.

Counsel would submit that initially advertisement was issued on 06.02.2013 by the District Programme Officer, Amritsar, inviting applications from women candidates for filling up various vacant posts of Anganwari Workers including Village Kadrabad, Block Majitha, District Amritsar. Apparently, ten applications were received for the post of Anganwari Workers for Village Kadrabad. Present petitioner had also submitted her application and subjected herself to a process of selection. A merit list was issued in which one Sandeep Kaur was shown to have secured 16 marks whereas, the petitioner secured 14 marks. Resultantly, Sandeep Kaur was appointed as Anganwari Worker in Village Kadrabad,

Block Majitha on 05.01.2016. Sandeep Kaur having worked on the post for 5/6 months, chose to resign. Counsel submits that the resultant vacancy of Anganwari Worker has been filled up by way of issuance of the impugned appointment letter dated 15.11.2016 (Annexure P-9) in favour of Kuljit Kaur (private respondent No.5 herein).

The precise argument raised by counsel is that the merit drawn up in the year 2016 in pursuance to the advertisement dated 06.02.2013 was not correct and in which, private respondent No.5 herein was shown to have secured 15 marks and the petitioner at a inferior merit position i.e. 14 marks.

In the considered view of this Court, the submission advanced by counsel is not well founded.

The merit determined in pursuance to the selection process initiated in the light of advertisement dated 06.02.2013 would not be of any consequence as of date. It is being so observed for the reason that such recruitment process culminated in the appointment of one Sandeep Kaur on 05.01.2016 and who after having joined the post has chosen to leave service of her own accord.

Private respondent No.5 herein has not secured appointment as Anganwari Worker on the basis of the merit drawn out in pursuance to advertisement dated 06.02.2013. Counsel concedes that respondent No.5 was already working as an Anganwari Helper at the same very centre,

Village Kadrabad, Block Majitha, District Amritsar and she had submitted an application for being adjusted/appointed as Anganwari Worker on the strength of amended instructions dated 09.11.2016, issued by the Directorate, Women and Child Development Department, Punjab. The application had been submitted by respondent No.5, upon Sandeep Kaur, who was appointed in January 2016 having resigned from the post of Anganwari Worker.

The amended instructions dated 09.11.2016 have been placed on record and appended as Annexure P-8 along with the writ petition. Extract of the instructions and which would be relevant for the controversy at hand is as under:-

“Note(a) It is made clear that in the eventuality of receipt of the application of the Anganwari Helper working in any Anganwari Helper working in any Anganwari Centre of the State, in any Anganwari Centre/Mini Anganwari Centre of some Urban Area against the vacant post of worker for recruitment, her recruitment could be made as Anganwari work in such centre provided she is resident of the same city for which the recruitment is to be made for Anganwari Centre. If any such Anganwari Centre falls within the limits of Municipal Corporation then it will be necessary that the candidate should be resident of the same ward or according to existing wardbandi, she should be the resident of the ward just to be adjoining ward in which the recruitment is to be made for Anganwari Centre.”

Counsel does not dispute that the claim of private

respondent No.5 to seek appointment as Anganwari Worker, while working as Anganwari Helper in the same centre i.e. Village Kadrabad, Block Majitha, District Amritsar, is covered under the afore-extracted note of the amended instructions dated 09.11.2016, issued by the respondent-authorities.

Under such circumstances, this Court has not find any infirmity with the appointment of the private respondent No.5 on the post of Anganwari Worker in the light of appointment order dated 15.11.2016 (Annexure P-9).

For the reasons recorded above, there is not merit in the instant petition.

Dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

07.10.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**