

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

Date of decision: 06.02.2017

RSA No.4099 of 2015 (O&M)

Asha Rani

...Appellant

Vs.

The Punjab State & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.S.Dhandi, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

Mere selection on the post of Helper by the Gram Sabha does not confer any indefeasible right of appointment on the appellant. The appellant was not offered appointment. If Sunita Rani wife of Jaswant Singh was brought over from Anganwari Worker to Helper and offered appointment it gives no actionable right to the appellant for issuance of directions to appoint her. It is not the case that someone else from the List at Annex A-1, being document duly exhibited on the record of the trial court, was appointed as Anganwari Worker. It is true that the Sarpanch of the Gram Panchayat called applications from eligible candidates to fill one slot each of Anganwari Worker and Helper. Moreover, Sunita Rani was offered appointment as Helper 10 years ago and is said to be working, while the post of Anganwari Worker was not filled from the list Annex A-1. If this is the factual position, then there is nothing wrong which the Courts below did in dismissing the suit, as no actionable claim or right was available to the plaintiff-appellant to press for appointment as Helper by shifting Sunita Rani

back to the post of Anganwari Worker. It matters little to needlessly enter into the dispute raised by Mr. Dhandi that Sunita Rani in the first instance applied for Anganwari Worker but later on changed her option by application to that of Helper. These selections made by the Village Panchayat do not strictly fall within the tall standards of the constitutional scheme of appointments as these are not public posts and, therefore, no interference is called for in this second appeal. It is conceded by counsel that someone else was later on appointed as an Anganwari worker by means of a different selection process. The local public notice which invited applications from the eligible villagers of the Gram Sabha resulted in a single offer of appointment which was rendered infructuous as far as the remaining post was considered. If the Gram Panchayat adopted the conversion in the case of Sunita Rani in its wisdom and need they committed no illegality which deserved to be undone by a court decree.

No substantial question of law arises in appeal which demands settlement on the second appeal side of this court. The appeal is accordingly dismissed with no order as to costs.

06.02.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>