

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 104

Regular Second Appeal No.4760 of 2015 (O & M)
Date of Decision: August 11, 2017

Parveen Kumari

..... APPELLANT

VERSUS

Director Social Welfare, Woman and Child Development, Punjab & others
..... RESPONDENTS

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. R.K. Arya, Advocate, for the appellant.

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Jaspal Singh, J

The instant regular second appeal has been preferred by appellant – plaintiff, Parveen Kumari, against judgment & decree dated May 12, 2015 passed by the District Judge, Pathankot, whereby appeal filed against the decision of trial court has been dismissed as well as judgment & decree dated February 12, 2014 passed by the Civil Judge (Junior Division), Pathankot, whereby suit filed by her seeking declaration that appointment of defendant No.4 is illegal and unconstitutional as well as mandatory injunction directing the defendants to reopen the entire selection process and for permanent injunction not to allow defendant No.4 to join the above said job, has been dismissed.

Brief facts of the case are that as per scheme floated by defendant Nos.1 and 2, under the Social Welfare of Women and Child

Development, Punjab, applications were called for appointment of Anganwari Worker, village Rahimpur falling within Gram Panchayat Shalowal. Applications of the inhabitants of village Rahimpur were to be deposited with the department, through Sarpanch, village Shalowal till November 09, 2009. Minimum qualification prescribed for the said post was Matriculation and age bar was from 18 years to 44 years. Preference was to be given to the best qualified person. Out of seven candidates, appellant was the most qualified person amongst the other applicants but defendant Nos.3 to 5 joined hands and by hatching conspiracy, defendant No.4 Tripta Devi was selected who figured at serial No.8 of the proceeding book of Gram Panchayat while appellant was placed at serial No.7 and is holder of NSS certificate.

Defendants contested the suit by filing written statement taking preliminary objections and denied the averments made in the suit. From the pleadings of parties, issues were framed by the trial court. Parties led evidence in support of their respective cases.

After hearing learned counsel for the parties and appreciating the evidence, suit filed by the appellant – plaintiff was dismissed by the trial court vide judgment & decree dated February 12, 2014. Appellant – plaintiff went up in appeal which was also dismissed vide judgment & decree dated May 12, 2015 by the lower appellate court.

Now, appellant – plaintiff has come up in the instant regular second appeal challenging the aforesaid judgments & decrees passed by the courts below.

Heard.

First of all, it is required to be seen whether process of

village Rahimpur to which the plaintiff belongs to or that it was also for the persons of village Shalawal to which defendant No.4 belongs to. In this regard, plaintiff could not produce any document or cogent evidence in order to prove that any such notification was issued by the official respondents that post of Anganwari Worker would only be meant for residents of village Rahimpur. Admittedly, villages Rahimpur and Shalawal are having one Gram Panchayat, known as Gram Panchayat, Shalawal. PW-2 Gurdev Singh admitted that he was member of Gram Panchayat, Shalawal; Village Rahimpur falls within the Gram Panchayat of village Shalawal; defendant No.5 is Sarpanch; and that resolution Ex.D2 regarding appointment of Anganwari Worker was passed by the Gram Panchayat. Plaintiff failed to produce any evidence that there was any chance of manipulation of name of defendant No.4 after passing the resolution because none of the signatories of such resolution has come forward to say that name of defendant No.4 was added later on. Moreover, it has been admitted by appellant – plaintiff that defendant No.4 was appointed as Anganwari Worker on the basis of aforesaid resolution and she is working as such. It has also been admitted by the plaintiff that all the candidates were interviewed by the CDPO for the said post. Once, defendant No.4 also appeared in the interview, it cannot be said that her name was added later on. Thus, plaintiff has failed to prove that aforesaid scheme was floated only for the residents of village Rahimpur.

The next contention of learned counsel for the appellant is that plaintiff was most suitable candidate. It was admitted by the plaintiff that she is 10+2 pass. During her cross-examination, she admitted that defendant No.4 is MA, M.Ed and thus, her qualification is much more than appellant. Thus, it does not lie to the mouth of appellant to say that she is

In the light of what has been discussed above, there is no infirmity or illegality in the judgments & decrees passed by the courts below which are hereby affirmed. No question of law muchless substantial question of law arises in this appeal. Finding no merit, instant appeal is dismissed with no order as to costs.

August 11, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No