

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 275 of 2017**

{Arising out of order dated 17.05.2017 passed by learned Single Judge in Writ Petition (S) No. 2287 of 2017}

- Smt. Nilima Jaiswal, W/o Abhijit Kumar Jaiswal, aged about 27 years, Aangan Badi Worker, R/o Village Amakhokhara, Block Podi Uroda, Khatghora, District Korba (C.G.)

---- Appellant**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 (C.G.)
3. Project Officer Integrate Children Development Project, Podi Uroda, District Korba (C.G.)
4. Chief Executive Officer, Janpad Panchayat Podi Uroda, District Korba (Chhattisgarh)
5. Smt. Sunita Tiwari, W/o Shri Ram Kumar Tiwari, Aged about 43 years, R/o Village Niche Para, Ama Khokhara, Block Podi, Uroda, Tahsil Katghora, Civil & Revenue District Korba (Chhattisgarh)

---- Respondents

For Appellant	:	Shri K.P.S. Gandhi, Advocate.
For Respondent Nos.1 to 4/State	:	Shri U.N.S. Deo, Government Advocate.
For Respondent No.5	:	Shri Govind Ram Miri, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****01.10.2018**

1. Heard learned counsel for the Appellant, learned Government Advocate for the State and learned counsel for the Respondent No.5.
2. The learned Single Judge, while hearing the writ application of the private Respondent No.5 disposed off the writ application with a direction upon the Respondent authorities to issue a fresh advertisement for the recruitment on

the post of Anganbadi Worker of Anganbadi Center, Amakhokhara, Gram Panchayat, Amakhokhara, Block Podi Uproda, District Korba (C.G.).

3. This direction has been issued on the basis of following findings recored by the learned Single Judge, as under:

“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.”

4. In the controversial facts with regard to the advertisement having been issued in the year 2012 itself being seriously doubted, the claim of the Appellant that she had been selected and appointed in the year 2012, cannot be accepted on the face value.
5. If that be so, the direction issued by the learned Single Judge to issue an advertisement, give it the widest publicity and then complete the process of selection within a specified time, seems to be the correct view to take.
6. The appeal, therefore, has no merit and dismissed.
7. The dismissal of the appeal will not come in the way of the contesting parties in participation provided they fulfill the eligibility.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge