

LPA-384-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

LPA-384-2018 (O&M)

Date of Decision: December 04, 2018

Manju Devi

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Satish Chaudhary, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. AG, Haryana.

KRISHNA MURARI, C.J. (ORAL)

The core issue for determination raised in this appeal is whether a person working on the post of Anganwari Worker holds an office of profit and, thus, is debarred from contesting the elections. Learned Single Judge in the impugned judgment has given the answer in affirmative. It is pointed out by learned counsel for the appellant, which is not being disputed by learned Additional Advocate General appearing for the State of Haryana that a Division Bench in the case of **Anokh Singh v. Punjab State Election Commission, Chandigarh, 2009 (1) R.C.R. (Civil) 898**, has answered the issue in following words:

“29. Keeping in view the aforesaid legal position, we are of the opinion that the Anganwari Workers working in the State of Punjab under a Scheme floated by the Central Government known as ICDS are not holding an office of profit under the State Government. Therefore, in view of clause (g) of Section 11 of the State Election Commission Act read with Section 208 of the Panchayati Raj Act, they are not disqualified for being chosen as a Member of a Panchayat. Hence, CWP Nos. 8264, 8270, 8279 and 8310 of 2008 are allowed and the Circular dated 30.4.2008 issued by the State Election Commission pertaining to the Anganwari Workers is hereby quashed.”

The law being settled by a Division Bench with which we are in respectful agreement, the view taken by the learned Single Judge cannot hold good and, accordingly the impugned judgment is set aside.

The appeal accordingly stands allowed.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

December 04, 2018

Pk Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO