

**248 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.18050 of 2015.

Date of Decision: 05.04.2019

Manpreet Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. J.S. Gill, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN J.

The Petitioner seeks direction to respondent no. 3 to issue appointment letter to her for the post of Anganwari Worker in Fatehgarh Churrian Block, District Gurdaspur.

It is contended that the petitioner is a handicapped person. In pursuance to advertisement (Annexure P-4), the petitioner applied for the post of Anganwari Worker. The petitioner married in the year 2013 and since then she is staying in her matrimonial village Qila Desa Singh. As per the advertisement, one post was to be filled from village Qila Desa Singh. From the original village Qila Desa Singh, another Gram Panchayat was carved out in the year 2008 by the name of New Qila Desa Singh. The voter list and Hadbast number of both the villages are the same. The petitioner is a registered voter of village Qila Desa Singh, Tehsil Batala, District Gurdaspur. Five candidates from village Qila Desa Singh applied for the post of Anganwari

Worker. However, the petitioner was denied appointment only on the ground that she is resident of village New Qila Desa Singh.

On the other hand, the claim of the petitioner is resisted by the respondents only on the ground that the residence of the petitioner falls in Gram Sabha area of village New Qila Desa Singh which is a different village from Qila Desa Singh.

In the replication, it has been clarified by the petitioner that in all the Blocks mentioned in the advertisement, the name of original Gram Panchayat is mentioned whereas, certain new Gram Panchayats have been carved out from the original Gram Panchayats. For instance from village Jaito Sarja block Batala, two Gram Panchayats have been carved out i.e. Jaito Sarja Kalan and Jaito Sarja Khurd. A combined list from both the Gram Panchayats was prepared and Smt. Sukhbir Kaur who belongs to Gram Panchayat Jaito Sarja Khurd was appointed as Anganwari Worker. Similarly, in Block Dera Baba Nanak, Gram Panchayat Thetherke has been divided into two Gram Panchayats i.e. Thetherke Kalan and Thetherke Khurd and again a combined list of both the villages was prepared. Smt. Vimla Devi was appointed from Gram Panchayat Thetherke Kalan.

Heard.

It is to be noticed that the claim of the petitioner for appointment as Anganwari Worker is being denied on the ground that she is resident of village New Qila Desa Singh which is a different village than village Qila Desa Singh. However, the petitioner has duly

established on record that she is resident of village Qila Desa Singh as is reflected from voter list (Annexure P-5). It has further come on record that in all the Blocks mentioned in the advertisement the name of the original Gram Panchayat is mentioned. Certain new Gram Panchayats have been carved out from the original villages. For instance, from village Jaito Sarja Block Batala, two Gram Panchayats have been carved out i.e. Jaito Sarja Kalan and Jaito Sarja Khurd. A combined list from both the Gram Panchayats was prepared and Smt. Sukhbir Kaur who belongs to Gram Panchayat Jaito Sarja Khurd was appointed as Anganwari Worker. Similarly, in Block Dera Baba Nanak, Gram Panchayat Thetherke has been divided into two Gram Panchayats i.e. Thetherke Kalan and Thetherke Khurd and again a combined list of both the villages was prepared. Smt. Vimla Devi was appointed from Gram Panchayat Thetherke Kalan. This being so, the case of the petitioner needs to be dealt with in the same manner.

Consequently, the present civil writ petition is allowed. Respondent No.3 is directed to issue appointment letter to the petitioner as Anganwadi Worker for Block Fatehgarh Churian, District Gurdaspur, if she meets other required criteria. However, if the replication is found to be against the record then the State shall have right to revive the present petition, if so required.

05.04.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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