

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

LPA No.2032 of 2017
DATE OF DECISION:07.02.2019

Kavita

...Appellant

Vs.

State of Haryana & others

...Respondents

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Aditya Yadav, Advocate
for the appellant.

Mr. Ankur Mittal, Additional A.G., Haryana.

MAHESH GROVER, J. (Oral)

While filling up the form of Anganwari worker, the appellant committed a mistake by projecting her marks for the qualifying examination as 50.5% whereas it was 60.6%. This resulted in the selection of respondent No.4 which was challenged before the writ Court in CWP No.2813 of 2014 which was accepted and the matter remitted back vide order dated 17.02.2014 with a direction that the grievance of the petitioner be looked into. Upon reappraisal the claim of the petitioner was found to be correct and the respondents then reversed the appointment of respondent No.4 which became a cause of grievance to her to contend that the order was passed without hearing her. This plea was agitated by her in writ proceedings from which the impugned order has emerged. The learned single Judge agreed with her on this count that principles of natural justice were violated in reversing her appointment without affording any opportunity of hearing to her but declined any benefit to the appellant on

the ground that it was her own mistake in filling up the form which resulted in this confusion. Before us it has been urged that the learned single Judge has gone wrong in declining the benefit to the appellant even though it has been established that appellant was indeed more meritorious in academic performance than the private respondent. There has been no representation on behalf of the private respondent even though on earlier occasions Mr. M. S. Chahal, Advocate had appeared.

After hearing learned counsel for the parties, we are of the opinion that the learned single Judge went wrong in declining the benefit to the appellant although the writ Court was right in observing that principles of natural justice have been violated in upsetting the appointment of the private respondent.

As a logical corollary to that the matter ought to have been remitted back to the State for consideration afresh by hearing both the sides. We are thus of the opinion that the impugned order deserves to be set aside to this extent and while doing so we direct that the State to reconsider the matter afresh by hearing both the sides.

Disposed of.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

07.02.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No