

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 2110 of 2011

Smt. Laxmin Bai, W/o. Ravi Kant Baghel, aged about 30 years, R/o. Village-Lavar, Tahsil – Masturi, District – Bilaspur (C.G.).

---- Petitioner

Versus

1. Sunita Baghel, D/o. Ram Anchal Baghel, R/o. Village – Lawar, Tahsil – Masturi, District – Bilaspur (C.G.)
2. State of Chhattisgarh, through : Collector, Bilaspur (C.G.)
3. Chief Executive Officer, Janpad Panchayat Masturi, District – Bilaspur (C.G.).
4. Project Officer, Akikrit Bal Vikas, Project Masturi, Masturi, District – Bilaspur (C.G.).

-----Respondent

For Petitioner	: Mrs. Meena Shastri, Advocate
For Respondents/State No. 2 to 4	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/02/2020

1. Challenge in this petition is to the order dated 30.01.2011, passed by the Additional Commissioner, Bilaspur Division, Bilaspur (C.G.) in Case No.123/A-89/2009-2010.
2. It is submitted that the petitioner was appointed as Anganbadi Karyakarta by the respondent No.3 by order dated 20.07.2007. The appointment of the petitioner was challenged by the respondent No.1, before the Collector, Bilaspur in Appeal No.121/A-89(15)/2007-08. The appeal was allowed vide order

dated 06.03.2009 and the appointment of the petitioner was set-aside. This order was challenged before the Commissioner, Bilaspur by revision petition No.123/A-89/2009-10 and the same has been dismissed by the impugned order.

3. It is submitted that appointment of the petitioner was set-aside by the Collector and confirmed by the Commissioner only mentioning that the petitioner was not a domicile of village -Lavar for the place, she was appointed. The fact is this that the petitioner was married to one Sunil on 20.04.2008 and thereafter, she started residing in village - Lavar. Referring to Section 15 of the Indian Succession Act, 1925, it is submitted that by marriage a woman acquires the domicile of her husband, and similarly Section 16 of the Indian Succession Act, provides that domicile of wife during her marriage shall be the domicile of her husband. Therefore, the Collector and the Commissioner both have passed erroneous order without considering this fact that the domicile of the petitioner was changed and therefore, she had entitlement for appointment as Anganbadi Karyakarta in village – Lavar. Prayer has been made to interfere with the impugned order and restore the order of the respondent No.3.
4. Respondent No.1 is not represented.
5. State counsel appearing on behalf of the respondents No.2, 3 and 4 submits that no error has been committed by the Collector as well as by the Commissioner in passing the order of the removal from service against the petitioner. According to circular

of Madhya Pradesh Government, released on 06.01.2000, the guidelines were laid down and it was emphasized that qualification for appointment of Anganbadi Karyakarta in village included that he or she should be voter of that gram panchayat and in any condition he or she should be a resident of village, for which the appointment is proposed.

6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. Considered on the rival contentions of both the parties. On perusal of the order passed by the Collector, dated 06.03.2009, it is found that it was held by the Collector that respondent No.1 rival candidate had secured more marks in Class-8th than the petitioner, she was as a member of below poverty line and on this basis decision of the respondent No.3 regarding appointment of the petitioner was set-aside on the ground that the candidature of the respondent No.1 was better and that was not given consideration.
8. In the impugned order, it was similarly held that the candidature of the respondent No.1 was not examined in accordance with the circular of the State Government, therefore, the recommendation made by the Janpad Panchayat for appointment of the petitioner was held contrary to the guidelines and therefore, the revision petition is dismissed.
9. On perusal and appreciation of the order passed by the Collector and Commissioner, I am of this view that candidature of the

petitioner was considered and recommended by the Janpad Panchayat that was not in accordance with the guidelines laid down. There had been no question of domicile raised or decided by the impugned order or by the order of the Collector. Therefore, the arguments on this point is not relevant.

10. After due consideration on all the aspects, I am of this view that there is no substance in this petition and there is no reason to hold that the impugned order or the order of the Collector needs any interference by this Court by exercising the jurisdiction under Article 227 of the Constitution of India.
11. In the result, the petition has no merit, which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge