

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

**CWP-20630-2020 (O&M)
Date of Decision:03.12.2020**

Soma Rani

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohit Singla, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

As per pleadings on record, applications were invited in the year 2017 for filling up the vacancy of Anganwari Worker at Anganwari Centre, Village Kot Ahmed Dhandi, District Ferozepur. Petitioner along with many other candidates submitted their applications. Interview for purposes of selection was conducted on 04.01.2018. One Amandeep Kaur produced a disability certificate as regards being hearing impaired and was selected and appointed on the post.

Apparently, certain doubts were raised with regard to veracity and authenticity of the disability certificate and for which an inquiry was conducted and the same led to passing of an order dated 24.08.2020 (Annexure P-7), whereby Amandeep Kaur was removed from the post. Resultantly, the vacancy arose.

Instant petition has been filed seeking issuance of a mandamus for directing the respondent/authorities to permit the petitioner to join on the post of Anganwari Worker pursuant to Amandeep Kaur having been removed.

Counsel for the petitioner has been heard at length.

It is not the case made out on behalf of the petitioner that in the selection procedure followed by the respondent/authorities in the years 2017-18, the petitioner had been placed at Sr. No.2 in the merit list and as such, on account of Amandeep Kaur having been removed, a right would vest with the petitioner to be adjusted against such vacancy. In any event, Amandeep Kaur having been appointed, the post of Anganwari Worker in the concerned Anganwari Centre stood consumed. Now when a vacancy has arisen on account of Amandeep Kaur having been removed from the job, it is obligatory for the respondent/authorities to proceed further in accordance with law and to fill up the post by following a fair and transparent process. Applications ought now to be invited from all eligible candidates and a selection process must thereafter ensue to pick up the best candidate.

As and when the respondent/authorities choose to fill up the post of Anganwari Worker in the concerned Anganwari Centre, it would be open even for the petitioner to participate in the selection process subject to her fulfilling the eligibility conditions.

The petitioner does not have any exclusive right to be appointed on the post of Anganwari Worker pursuant to the vacancy having arisen upon termination of service of Amandeep Kaur.

Prayer made in the instant writ petition is declined.

Petition dismissed.

03.12.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No