

Anganwari Workers and Anganwari Helpers in District Sirsa being the Addl. Deputy Commissioner. The Child Development Project Officer (for short 'the CDPO') was the appointing Authority for Anganwari Helper in Block Sirsa. One post of Anganwari helper was advertised.

[3]. As per interview select list of Anganwari Helper, Kaushalya wife of Ashok Kumar was selected by awarding 29 marks. Santosh wife of Mahender was given 28½ marks and initially she was kept in waiting list, but thereafter the word 'waiting' was replaced with word 'select' against her name in the relevant column of the list. The list was signed by the petitioner as well as Ms. Suchi Bajaj, the then CDPO, Madhosinghara at Sirsa.

[4]. The aforesaid cutting of word 'waiting' and writing of 'select' in its place was at the hands of Ms. Suchi Bajaj, the then CDPO. The words were subjected to CFSL, New Delhi and it was found that the cutting was done by Ms. Suchi Bajaj. Handwriting evidence pointed to the writer of specimen English writings marked S-1 to S-5, S-11 to S-16 attributed to Suchi Bajaj being the person responsible for writing the Questioned English writings marked Q-1 to Q-15 for the detailed reasons given in the report of CFSL dated 22.09.2015.

[5]. On 21.03.2011, a final list was got signed from the petitioner in respect of 43 villages. The said list was prepared by the officials on the basis of hand written lists which were prepared after conducting the interviews. The petitioner signed the list in which names of Kaushalya wife of Ashok Kumar and Santosh wife of Mahender were shown as selected candidates and Kamlesh wife of Mohinder was placed in the waiting list.

[6]. The stand of the petitioner is that she only selected Kaushalya wife of Ashok Kumar by awarding 29 marks. Name of Santosh wife of Mahender was kept in waiting list after awarding 28½ marks. After signing the select list by the petitioner, the word 'waiting' was replaced by Suchi Bajaj, the then CDPO and in its place word 'select' was written. Signing of select list dated 21.03.2011 was in routine as the same was prepared by the officials working in the office on the basis of hand written lists which were prepared after conducting interviews. Petitioner signed the same as she did not suspect that somebody would cut or tamper with the interviews marks and remarks after her signing the list. Ms. Suchi Bajaj, CDPO issued appointment letter to Kaushalya wife of Ashok Kumar as well as to Santosh being the appointing authority. Kaushalya wife of Ashok Kumar was the topper of the list having secured 29 marks. Kaushalya was not allowed to join by Ms. Suchi Bajaj, the then CDPO and

in her place Santosh wife of Mahender was appointed.

[7]. A complaint was made by Kaushalya on 16.05.2012 against Ms. Suchi Bajaj, the then CDPO to the Deputy Commissioner, Sirsa. The said complaint was referred for inquiry to the Programme Officer, ICDS, Sirsa. The City Magistrate-cum-Enquiry Officer conducted an inquiry after associating all the necessary parties. Statements of Ms. Suchi Bajaj and Kaushalya were recorded. Kaushalya submitted an audio CD containing a conversation between Som Parkash (her brother) and Ms. Suchi Bajaj, wherein Ms. Suchi Bajaj had admitted acceptance of Rs.25,000/- for appointing Santosh Kumari. The said conversation had taken place between Som Parkash and Ms. Suchi Bajaj. Name of the petitioner did not find mention in the said conversation.

[8]. Even as per FSL report, voice samples of Som Parkash and Ms. Suchi Bajaj have matching configurations and the same have matched with their voices. A detailed inquiry was conducted by the City Magistrate. Complicity of the petitioner was not found in the aforesaid inquiry. The City Magistrate ultimately reached at the following conclusion:-

- “1. That only one post of helper was advertised.
2. That as per merit list, Mrs. Kasuhalya w/o Ashok Kumar should have been given appointment and

joined.

3. *That arbitrarily two candidates were given appointment by Mrs. Suchi Bajaj the then CDPO against one advertised post on the same day i.e. 01.04.2011.*
4. *That the topper was not allowed to join and asked to wait for some time.*
5. *That the candidate at the 1st waiting and not the selected candidate was allowed to join which is a clear violation of merit list.*
6. *That Mrs. Suchi Bajaj in an Audio CD admits the exchange of money in this whole wrong doing.*
7. *That the right of Mrs. Kaushalya w/o Ashok Kumar has been usurped by waiting candidate because of the wrong doing of Mrs. Suchi Bajaj, the then CDPO.”*

[9]. FIR was registered on the recommendation of the Deputy Commissioner against Ms. Suchi Bajaj, the then CDPO on 06.09.2012 for the offences 166, 167 IPC and Sections 7/12 of the Prevention of Corruption Act at Police Station City Sirsa (Sections 420, 467, 471 and 120-B IPC were added later on). The Investigating Agency sought sanction for prosecuting the petitioner from the Chief Secretary to the Govt. of Haryana and the same was accorded vide order dated 25.05.2016. While granting sanction the Authority has observed that on the interview list, the cutting/tampering has been done. The signatures of the petitioner and Ms. Suchi Bajaj, the then CDPO have been found on the interview list. Whereas on the final selection list, signatures of only Smt. Pankaj Chaudhry has

been found and Smt. Suchi Bajaj has issued letter of appointment to both the candidates. Thereafter candidature of Kaushalya wife of Ashok Kumar was withheld and Santosh wife of Mahender was allowed to join the post.

[10]. During course of investigation the stand of Ms. Suchi Bajaj, the then CDPO has been ventilated. While filing report under Section 173 Cr.P.C., the prosecuting Agency has observed in the following manner:-

“During the course of investigation, handwriting samples of Smt. Suchi Bajaj and Smt. Pankaj Chaudhary were taken as per rules and same were sent to Director, CFSL, New Delhi for comparison with the cuttings made in the interview list. As per the result report No.CFSL-2015-D-1029/3185 dated 24.09.2015, accused Smt. Suchi Bajaj, CDPO, the then Sirsa was found to have made cuttings in the interview list. As per the report of Director, CFSL, New Delhi i.e. report No.CFSL-2015/D-421/1488 dated 12.05.2015, signatures of accused Pankaj Chaudhary, the then ADC Sirsa were found in the interview lists of the Anganwadi Helpers with cuttings and on the final list.”

During the course of investigation, sufficient incriminating evidences have been found against Smt. Suchi Bajaj, the then CDPO Sirsa and Smt. Pankaj Chaudhary, the then ADC, Sirsa and no recovery is pending from the accused persons. That a challan is being sent to the Court alongwith list of witnesses as per column No.13 against Smt. Suchi Bajaj, the then CDPO, Sirsa and Smt. Pankaj Chaudhary, the then ADC Sirsa without making their arrest. The same be taken on record.”

[11]. Perusal of the final list would show that there is no cutting in the final list. Cutting is apparent in the interview list

and as per report of CFSL, New Delhi, the cutting is found to be the handiwork of Ms. Suchi Bajaj, the then CDPO.

[12]. During course of inquiry before the City Magistrate, Ms. Suchi Bajaj, the then CDPO submitted her written statement that one Anganwari Helper had applied for the post of Anganwari Helper and was likely to be promoted to the post. So one post was likely to be vacant. Therefore, two persons were given appointment as Anganwari Helper in anticipation that one post would become vacant, when one helper would be promoted to the post of Anganwari Worker. By some reasons the helper could not be promoted, therefore, Kaushalya wife of Ashok Kumar was restrained from taking charge of the post of Anganwari Helper. The said stand of Smt. Suchi Bajaj was found to be against her own plea that Kaushalya did not turn up for long time and, therefore, she was not allowed to join the post.

[13]. The complicity of the petitioner has to be seen in the light of preparation of interview list and signing of final list. Before tampering in the interview list, there was only one candidate selected i.e. Kaushalya wife of Ashok Kumar. After tampering, two candidates were found to be selected i.e. Kaushalya wife of Ashok Kumar and Santosh wife of Mahender. The stand of the petitioner is that the cutting was made by Ms.

Suchi Bajaj, the then CDPO after the signature having been put by the petitioner. This fact does not correspond to the final selection list signed by the petitioner, wherein at serial No.10, two posts have been shown. Kaushalya wife of Ashok Kumar and Santosh Kumar wife of Mahender have been shown as selected candidates, whereas name of Kamlesh Devi wife of Mahender has been shown as waiting candidate. The interview list shows that the candidates namely Santosh wife of Mahender belongs to SC category and Kamlesh Devi wife of Mahender belongs to BC category. In the select list, both the candidates were selected in general category.

[14]. It is a settled principle of law that a charge can be framed even on strong suspicion. At the time of framing of charge, meticulous examination of the evidence cannot be done. Only *prima facie* opinion is required to be made. The complicity of the petitioner would be determined on the basis of material collected by the prosecution.

[15]. At this stage, no interference in the order framing charge and drawing chargesheet can be made. This petition is accordingly dismissed.

March 06, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No