

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 2634 of 2011**

Pushpa Dewangan W/o Shri Narendra Dewangan, Aged about 28 years, Caste Dewangan, R/o Ward No. 10 Takhatpur, Tahsil Takhatpur, Distt. Bilaspur, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh through the Secretary, Urban Administration and Development Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
- 2.Director, Urban Administration and Development Department, Raipur, Chhattisgarh.
- 3.Collector, Bilaspur, Distt. Bilaspur, Chhattisgarh.
- 4.Chief Municipal Officer, Nagar Panchayat, Takhatpur, Distt. Bilaspur, Chhattisgarh.
- 5.Project Officer, Integrated Women & Child Development Project, Takhatpur, Distt. Bilaspur, Chhattisgarh.
- 6.Lajwanti Dewangan, W/o Santosh Kumar Dewangan, Aged about 30 years, Caste Dewangan, R/o Dewangan Para, Takhatpur, Distt. Bilaspur, Chhattisgarh.

--- Respondents

For Petitioner :- Mr. M.H. Baig, Advocate

For State :- Mr. Soumya Rai, P.L.

For Respondent 4 :- Mr. Pawan Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/08/2021

1. Petitioner calls in question the legality, validity and correctness of order dated 28/06/2010 (Annexure P/8) passed by Director Panchayat affirming the order dated 16/07/2009 (Annexure P/7) by which the Additional Collector, Takhatpur has affirmed the order dated 31/03/2006 passed by the Nagar Panchayat appointing respondent No. 6 on the post of Aanganbadi Karyakarta.

2. Mr. M.H. Baig, learned counsel for the petitioner, would submit that both the authorities have committed legal error in not setting aside the appointment of respondent No. 6 overlooking the fact that petitioner is more economically poor than respondent No. 6 and the survey list of 2007-08 clearly indicates that the financial condition of petitioner is weaker than that of respondent No. 6, but respondent No. 6 has been granted appointment over petitioner merely on the ground that she is

older than petitioner which is absolutely illegal and bad in law, as such, the impugned order is liable to be set aside and petitioner may be directed to be appointed on the post of Aanganbadi Karyakarta.

3. Mr. Soumya Rai, learned State counsel, and Mr. Pawan Shrivastava, learned counsel for respondent No. 4, would support the impugned order.

4. I have heard learned counsel for the parties at length and perused the records.

5. It is not in dispute that pursuant to the application invited by the Municipal Corporation, Takhatpur, respondent No. 6 has been appointed on the post of Aanganbadi Karyakarta by order dated 31/03/2006 which was questioned by the petitioner by filing an appeal before the Additional Collector, who by order dated 16/07/2009 held that respondent No. 6 was placed on serial No. 2 in the selected candidate list, but since the financial condition of respondent No. 6 is weaker than of the petitioner as the annual income of respondent No. 6 is Rs. 6,000/- and that of the petitioner

is Rs. 12,000/- and further since respondent No. 6 stays in rented premises whereas petitioner stays at her own premises and since respondent No. 6 is older than petitioner, on that basis, respondent No. 6 has been appointed as Aanganbadi Karyakarta by the Municipal Corporation absolutely in accordance with law. The order passed by the Additional Collector has also been affirmed by the Director Panchayat by impugned order dated 28/06/2010.

6. Learned counsel for the petitioner submits that the survey list of 2007-08, which is after the date of appointment of respondent No. 6 on 31/3/2006, clearly records that petitioner's income is lesser than respondent No. 6's but that document has been refused to be admitted in record on the ground that the said document was executed pursuant to the date of appointment.

7. Thus, the finding recorded by both the lower Courts that respondent No. 6 is more appropriate candidate for appointment in the post of Aanganbadi Karyakarta since she is economically poor than the petitioner having no house of her own and earning only Rs. 6,000/- annually is a finding of fact which is pure and simple and is

neither perverse nor contrary to the record. As such, I do not find any merit in this writ petition.

8. Accordingly, the instant writ petition stands dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet