

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3414 of 2021**

Smt. Keshari Chandrakar W/o Shri Satish Chandrakar, Aged About 45 Years, R/o Village - Pali, Police Station And Tahsil - Mahasamund, District – Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Women And Child Development Department, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh
2. The Collector, District – Mahasamund, Chhattisgarh
3. The Chief Executive Officer, Zila Panchayat, Mahasamund, District – Mahasamund, Chhattisgarh
4. The Project Officer, Integrated Child Development Project, Mahasamund (Gramin), District – Mahasamund, Chhattisgarh
5. The District Programme Officer, Women And Child Development, Mahasamund, District – Mahasamund, Chhattisgarh
6. The Chief Executive Officer, Janpad Panchayat, Mahasamund, District – Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Bharat Rajput, Advocate
For State/Respondents 1, 2, 4 & 5	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.07.2021**

1. The petitioner in the present writ petition has challenged the advertisement which the respondents have now issued on 14.06.2021 for filling up of the posts of Anganbadi Worker at different centers including Anganbadi Center, Pali, Janpad Panchayat Mahasamund, District Mahasamund.

2. The whole dispute arises on account of the previous appointment that was made where the petitioner was appointed as Anganbadi worker for the said center at Pali under Janpad Panchayat Mahasamund. The appointment of the petitioner was subjected to challenge by one Smt. Hiriya Bai by filing an appeal before the Collector. The appeal of Smt. Hiriya Bai was allowed and the appointment of the petitioner was cancelled. The order of the Collector was challenged by the petitioner before the Revisional Authority i.e. the Director. The Director vide its order dated 30.06.2009 dismissed the revision petition of the petitioner thereby upholding the order passed by the Collector in appeal. The order passed by the Director in the Revision was subjected to challenge before this High Court in WPS No. 4510/2009 wherein this Court on 20.08.2009 had ordered for maintaining status quo and the said writ petition is still pending consideration before this Court.
3. Today, when this writ petition is taken up for hearing, on a query being put to the learned counsel for the petitioner, he submits that in spite of an order of status quo, the petitioner is not presently discharging the duties of Anganbadi worker at Anganbadi Center, Pali nor Smt. Hiriya Bai is discharging the duties of an Anganbadi worker at the said center.
4. The said submission of the counsel for the petitioner reflects that the post of Anganbadi worker at Anganbadi Center, Pali under Janpad Panchayat Mahasamund is lying vacant since 2009 onwards and it is more than 11-12 years now since the post is lying vacant and this perhaps led to the issuance of the advertisement dated 14.06.2021.
5. The contention of the counsel for the petitioner is that in the event the advertisement is permitted to be proceeded with and appointments are made, and the petitioner if at all later on succeeds in WPS No. 4510/2009, they would find it difficult to reinstate or take her back in service. It is also the contention of the petitioner that if the petitioner loses that writ petition, even then it would be Smt. Hiriya Bai who has to be brought back in service as an

Anganbadi worker and under no circumstances, can they be permitted to fill up the said post by some other person by way of a direct recruitment afresh.

6. The aforesaid factual matrix of the case has not been controverted by the State counsel except for the fact that the post is lying vacant for many years and the authorities have now issued the advertisement for filling up of the vacant post.
7. Given the aforesaid circumstances of the case, considering the fact that the writ petition i.e. WPS No. 4510/2009 is still pending consideration before this Court, the present writ petition at this juncture can be disposed of with a direction to the respondents to ensure that any appointment pursuant to the advertisement dated 14.06.2021 for Anganbadi worker at Anganbadi Center, Pali under Janpad Panchayat Mahasamund is made, the said appointment shall be subject to the outcome of WPS No.4510 of 2009 and in the order of appointment it should be specifically mentioned.
8. With the aforesaid observation/direction the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**

Khatai