

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.107 of 2012

Saraswati Giri

....

Appellant

M/s. S.K. Dash, Advocate and associates

-versus-

State of Odisha and others

....

Respondents

Mr. P.K. Muduli, A.G.A. for the State

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

ORDER

03.08.2022

Order No.

13. 1. The Appellant is aggrieved by an order dated 3rd March 2012 passed by the learned Single Judge disposing of W.P.(C) No.22192 of 2010 filed by her for a direction to the Respondents to engage her as ASHA in respect of Rautuda Anganwadi Centre (II) near Pratappur PHC.
2. The case of the Appellant is that a meeting was held on 25th February 2009, for selection which was presided over by a Lady Health Visitor of the Primary Health Centre of Pratappur. After deliberation, the names of one Gourimani Jena and the Appellant were proposed for selection. Since there was no unanimity amongst the members of the Selection Committee, they decided to go in for a draw of lots. Apparently, the Appellant's name was selected. The Appellant claims that the resolution was drawn up and signed by "most of the members" presented at the meeting and yet she was not given the appointment order.
3. The learned Single Judge noted that the selection done by draw of lots was not reduced to writing and was not signed by some of

the members present. In fact, no document could be produced before the authority because apparently an Anganwadi Worker took away the register and the selection format at the timing of signing and did not return it. Learned counsel appearing for the Appellant is unable to dispute the fact that the original record is not available.

4. The second reason why the learned Single Judge did not grant the relief as prayed for by the Appellant was that Gourimani Jena, the other candidate, had not been made a party to the writ petition. In the circumstances, the learned Single Judge has directed the Respondents to hold a meeting again to have a fresh selection process as per the rules.

5. Having heard learned counsel appearing for the Appellant as well as learned Additional Government Advocate for the State, the Court is unable to find any error having been committed by the learned Single Judge that calls for interference. Indeed, if the original record was not available, a mandamus could not have been issued by the Court to the Respondents to issue an appointment letter to the Appellant.

6. Consequently, there is no merit in the present writ appeal and it is dismissed as such. The interim order passed earlier in the present writ appeal stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Guin