

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.221 of 2015

Smt. Kabita Kumari Jena

....

Appellant

Proxy counsel on behalf of
Mr. S.K. Mohanty, Advocate

-versus-

***Secretary, Women and Child Welfare
Department, Bhubaneswar and others***

....

Respondents

Mr. Debakanta Mohanty, A.G.A.

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

27.09.2022

Order No.

- 04.
1. The challenge in the present appeal is to an order dated 8th April 2015, passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.16430 of 2010.
 2. The background facts are that the Appellant was engaged as an Anganwadi Worker (AWW) at the Nuasahi Tentulia Anganwadi Centre-II (AWC). Respondent No.4, who also was considered for the said post, challenged the selection of the Appellant on the ground that the Appellant was not a resident in the area. The Sub-Collector being the appellate authority relied on the survey report that was asked for and found that in fact the Appellant was not a local resident. Respondent No.4, on the other hand, was found to be a resident of the area.
 3. The learned Single Judge has in the impugned order specifically noted that ample opportunity was granted to the Appellant to

produce documents “but no residential certificate showing any proof of local area where the centre is situated has been produced by the Petitioner.” On the other hand, Respondent No.4 obtained information under the Right to Information Act, which was countersigned by CDPO specifically stating that the Appellant was not a resident in the area where the AWC was located.

4. Before this Court, copy of the record of rights is sought to be annexed as Annexure-3 series. Nowhere is it indicated that these documents were placed before the Sub-Collector. In view of the specific finding of the learned Single Judge that the no documents were able to be produced by the Appellant, it was incumbent on the Appellant to indicate clearly that despite producing such document, the Sub-Collector did not consider it. In the absence of such a pleading, the only inference that this Court can possibly draw is that these documents have been produced for the first time at the appellate stage in this Court. Clearly, the Appellant cannot be permitted to do so at this stage.

5. The Court is unable to find any error having been committed by the learned Single Judge in rejecting the writ petition of the Appellant. There is no merit in the present appeal and it is dismissed as such. The interim order passed earlier stands vacated.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge