

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 476 of 2013

Pravasini@ Prabhasini Patel

....

Appellant

Mr. G.N. Sahu, Advocate

-versus-

State of Orissa and others

....

Respondents

Mr. Ishwar Mohanty

Additional Standing Counsel

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

24.08.2022

Order No.

09. 1. The challenge in the present writ appeal is to an order dated 13th September 2013, passed by the learned Single Judge dismissing the W.P.(C) No.17699 of 2013 filed by the present Appellant.
2. Against the appointment of the Petitioner as Anganwadi Worker in the Center-2 of Ganthiapali under Bijepur Block, District Bargarh, Respondent No.5 filed an AWW Appeal Case No.42 of 2010 before the Additional District Magistrate (ADM). It is pointed out by Respondent No.5 that the present Appellant, who had been awarded 5% additional marks for having passed Kobida (Hindi) by the Selection Committee, had in fact not disclosed the said fact in her application form and had also not enclosed the relevant certificate. This plea was accepted by the ADM who allowed the said appeal.

3. The present Appellant then challenged the said order before the Collector, Bargarh in AWW (A) Case No.8 of 2012 which came to be dismissed by the order dated 20th July 2013. Aggrieved by the said order, the Appellant filed W.P.(C) No.17699 of 2013 which has been dismissed by the learned Single Judge by the impugned order. While dismissing the writ petition, the learned Single Judge has observed as under:

“3. The courts below have given concurrent findings of facts that the petitioner has not mentioned in her application form that she has passed Kobida (Hindi) which is stated to be higher qualification for awarding 5% of extra mark to her. The second question is whether the Kobida itself is a higher qualification or not which entitles the petitioner to 5% of additional mark on the ground of higher qualification.

4. Since there are concurrent finding of facts regarding the assertions that the petitioner has not mentioned her qualification to be Kobida pass in her application and has not submitted any certificate along with application to substantiate such plea the selection committee erred in awarding 5% additional mark to the petitioner.”

4. Learned counsel appearing for the Appellant does not dispute that the Appellant had failed to mention in the application form that she possessed the higher qualification of Kobida (Hindi). He also does not dispute that the certificate of such higher qualification was not enclosed with the application form. He, however, states that it was produced at the time of the scrutiny of the documents.

5. The requirement was that the Appellant should have mentioned in the application form in the relevant column that she possessed the higher qualification. This Court has perused the original

application form as produced by learned Additional Standing Counsel for the State and notices that indeed the Appellant has not mentioned in the application form that she possessed the higher qualification of Kobida (Hindi). The record also shows that she did not enclose the certificate of such higher qualification with the application form.

6. In these circumstances, the selection committee ought not to have permitted the Appellant to produce such certificate at the time of the scrutiny of the documents which was impermissible as per the time schedule set down by the authorities themselves. No such preferential treatment could have been accorded to the Appellant. Consequently, the ADM was justified in setting aside the appointment of the present Appellant as Anganwadi Worker.

7. The Court is unable to find any error having been committed either by the Collector, Bargarh or by the learned Single Judge in affirming the aforementioned order of the ADM.

8. The appeal is accordingly dismissed but, in the circumstances with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge