

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.656 of 2015

Sabitri Bhue

.... ***Appellant***
Mr. B.K. Dash, Advocate

-versus-

Sanju Sahu and others

.... ***Respondents***

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
22.09.2022**

Order No.

04.

1.The challenge in the present writ appeal is to an order dated 13th October, 2015 passed by the learned Single Judge rejecting the Appellant's W.P.(C) No.18337 of 2015 thereby negating the Appellant's challenge to an order dated 9th September, 2015 passed by the Additional District Magistrate (ADM) allowing Anganwadi Worker (Appeal) No.5 of 2013 whereby the selection of the Appellant as Anganwadi Worker (AWW) was struck down.

2. Admittedly, the Appellant belonged to a Scheduled Tribe (ST) and applied for the post of AWW for the Kalangapalli-II Anganwadi Centre. She claimed preferential marks of 5% on the basis that she was a divorced ST woman. In proof of having been divorced, the Appellant produced a letter issued by the President of the Biswabasu Sabar Association dated 10th April, 2013 to the effect that the Appellant and her husband had arrived at 'settlement' before the Association.

3. The learned ADM has on examining the said document come to the conclusion that it cannot be the valid basis for treating the Appellant as a divorced ST woman and therefore cancelled her selection as she was wrongly given 5% preferential marks. The learned Single Judge was not satisfied that any ground had been made out to interfere with the order of the ADM.

4. Having heard Mr. Dash, learned counsel for the Appellant, this Court is also not convinced that the above letter issued by the Biswabasu Sabar Association could form the basis for the Appellant to claim that she was a divorced ST woman and thereby seek 5% preferential marks. As pointed out by the learned Single Judge, there had to be a declaration issued by a competent court as regards the Appellant's divorced status without which she could not have laid a claim to preferential 5% marks.

5. There is no error committed by the learned Single Judge in passing the impugned order. There is no merit in this appeal and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge