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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15126 of 2014
DATE OF DECISION: 30.11.2022

Brij Bala **…Petitioner**

Versus

The State of Haryana and others **…Respondents**

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. V.P. Singh, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Vineet Chaudhary, Advocate,
for respondent No.6.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari seeking quashing of appointment of respondent No.6 on the post of Anganwadi Worker. Further prayer is for issuance of a writ in the nature of Mandamus directing the respondents to issue appointment letter to the petitioner.

2. I have heard learned counsel for the parties and gone through the case file.

3. From the factual matrix, what emerges is a very short controversy i.e., (a) whether the petitioner, being a widow, is entitled to any additional marks; (b) in addition to being a widow, whether having worked as Anganwari helper under the control of department itself, she was entitled to additional marks against her work experience.

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4. As regards her status being widow, concededly she has already been awarded 05 marks and therefore, no adjudication is required *qua* the same.

4.1 Regarding work experience, it is rather intriguing that despite her working with the department itself as a helper in Kasturba Anganbari Training Center, Radaur in the same village, the department rather tried to shift the burden on her to establish her work experience. It is to be noted that Anganwari workers are ill-equipped, both in terms of their education and even otherwise, to apply to their office superiors seeking work experience certificates. It is expected of the department atleast to not disbelieve its own workers in light of the fact that it is very easy for the department to check their records for monthly remittance made to such workers and purely on that basis, it can be established whether or not they lack the requisite work experience. That apart, the petitioner has made a specific averment in para 3 of the writ petition stating that she is working as an Anganwari helper. This fact has been admitted as being a matter of record, but still the benefit of additional marks has been denied to the petitioner merely because no application was made by her to ask about the work experience to the competent authority, attributing the same to her negligence and laxity.

5. I find such explanation completely unacceptable and sheer hogwash on the conduct of the department under whose ultimate control the petitioner was working at the relevant time. One can understand if she was seeking benefit of work experience from any third party, which is not the case herein. Accordingly, the conduct of the respondent in not

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awarding additional marks *qua* work experience of the petitioner, is found to be unjustified.

6. In the premise, even though the petitioner is praying for quashing of selection of respondent No.6, it would be too harsh on her and also would be travesty both on equity and justice at this stage to issue any directions to substitute the petitioner with respondent No.6, particularly in the light of the fact that there was no misrepresentation and/or any concealment on the part of respondent No.6. The fault entirely lies with the department, for which respondent No.6 cannot be made to suffer. In order to balance the equities, respondents are directed to consider the candidature of the petitioner for appointment as Anganwari worker by giving her benefit of her work experience after verification of the same from its own records and adjust her against any other vacancy, which may be available as on today. In case there is no vacancy available, she will be adjusted against next future vacancy becoming available.

7. It transpires in the course of hearing, as has been apprised by learned counsel for the petitioner that petitioner continues to work as helper in Anganwari centre uninterruptedly ever since she had applied for the job of Anganwari worker and therefore, it is left open for the competent authority to consider her candidature on sympathetic ground whether the said post can be upgraded to that of Anganwari worker.

8. Disposed of in above terms.

NOVEMBER 30, 2022 **(ARUN MONGA)**
Shalini **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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