

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP NO. 17883 OF 2016

DATE OF DECISION : 14.07.2022

Leela Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA

Present : Mr. A. P. Bhandari, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari for quashing order dated 16.06.2016 (Annexure P-14) and order dated 03.08.2016 (Annexure P-16) as the same are not in accordance with law and liable to be set-aside.

2. Petitioner was appointed as an Anganwari worker in the year 1992 after going through proper selection process as she appeared before the Selection Committee. At that time, there was no educational qualification prescribed for getting job of an Anganwari worker, however, ladies, who had some qualification, were given preference. Petitioner was 8th class pass and 10th class drop out. Her salary at the relevant time was Rs.80/- per month. She was issued letter dated 15.05.2015 (Annexure P-4) asking that the certificate submitted by her at the time of joining her service does not pertain to her and is not registered with the school. Petitioner filed reply to the same on 15.07.2015 vide Annexure P-5. Show cause notice dated 20.11.2015 (Annexure P-6) was issued to her stating

therein that per information received from the school, the school leaving certificate does not tally with the school record and her explanation was called. Reply to said notice was filed on 29.12.2015 vide Annexure P-7 denying the allegations contained in the show cause notice.

3. Respondent issued letter dated 06.01.2016 (Annexure P-8) granting personal hearing to the petitioner for 08.01.2016 followed by other letters. Eventually, vide impugned order dated 16.06.2016 (Annexure P-14), reply of the petitioner was not found satisfactory and therefore, services of the petitioner were terminated. Aggrieved against the said order, petitioner filed appeal dated 14.07.2016 (Annexure P-15) before Additional Deputy Commissioner-cum-Appellate Authority which was dismissed vide impugned order dated 03.08.2016 (Annexure P-16).

4. Petitioner filed second appeal dated 12.08.2016 (Annexure P-17) before Director, Appellate Authority, Women and Child Development, Haryana, Panchkula on, which was verbally dismissed. Hence, the instant writ petition.

3. I have heard learned counsels for the parties and have gone through the records carefully.

4. In any case, summary allegation of forgery without there being any proper proof and/or establishing the same by way of trial cannot be a ground to dismiss the services of petitioner given that she had unblemished record of 30 years prior thereto, more particularly in view of the fact that when such a qualification was neither required on her part to be submitted nor even otherwise eligibility conditions for recruitment as an Anganwari worker at the relevant time.

5. There is categoric stand taken by the respondents in para 5 of their written statement, which reads as under:

“5. That contents of para no.5 of the petition are wrong and hence, denied. The petitioner is trying to mislead this Hon’ble High Court. Infact there is clerical mistake in the register as after entry no.3099 there is entry no.4000 and there is no entry in between and the petitioner is taking advantage of this mistake. Infact there is no entry against no.3152 which is relied upon by the petitioner. It is important to mention here that the concerned school vide its letter dated 31.10.2015 has not been able to properly explain the things in its letter. The position has been explained above and the entry against serial no.3152 do not exist.”

5. To be noted, by giving such a false certificate she would have no further gain of any kind either of having any better pay fixed or continuity in service.

6. In the premise, I am inclined to accept the petition and the same is accordingly allowed. Termination order dated 16.06.2016 (Annexure P-14) as well as the appellate order dated 03.08.2016 (Annexure P-16) are both set aside and the petitioner is directed to be forthwith reinstated in service, subject to availability of vacancy as on today, along with all consequential benefits qua seniority and notional fixation of pay, but the petitioner shall not be entitled to any salary for the intervening period during which she remained out of service. On reinstatement, she will be put on the bottom of the seniority list in the category to which she had originally been appointed. In case, there is no vacancy available as on today, petitioner’s claim on post shall be adjusted in the first future vacancy of the post in question.

7. Petition is thus, allowed, in above terms, with no order as to costs.

JULY 14, 2022
Shalini

(ARUN MONGA)
JUDGE

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