

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

CWP-17078-2018

Date of decision: 14.11.2022

Babita

...Petitioner

VS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Surinder Gandhi, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Ajit Sihag, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari to quash the selection and appointment of respondent No.4 *qua* selection list dated 20.03.2018 (Annexure P-9). Further prayer has been made for issuance of a writ in the nature of Mandamus directing respondents No.1 to 3 to appoint the petitioner on the post of Anganwadi Worker in village Bawani Khera, District Bhiwani.

2. Learned counsel for the petitioner contends that petitioner is a widow and after the death of her husband, she is residing in the same house. She has been granted 08 marks on account of her being daughter-in-law. But, as per selection criteria (Annexure P-10), 15 more marks should have been granted to her.

3. When the matter was heard on 28.03.2022, following order was passed:-

“CM-4482-CWP-2020

For the reasons stated in the application, the same is allowed. Annexure P-13 is taken on record, subject to all just exceptions.

Main case (O&M)

Learned State counsel seeks time to get instructions qua authenticity of the certificate dated 05.07.2019 (Annexure P-13), issued by Tehsildar, Bawani Khera, which has been placed on record today vide order of even date passed in CM-4482-CWP-2020, the same being in direct contradiction with the enquiry report conducted by the Women and Child Development Project Officer, Bawani Khera contained at Annexure R-1.

At request, adjourned to 02.05.2022.”

4. *Apropos*, on a Court query, learned State counsel submits that certificate has been genuinely issued by the Competent authority i.e. Tehsildar.

5. In the premise, petition is allowed. However, since the petitioner gave the widow certificate after the selection process, she herself contributed to the erroneous decision of her not being accorded the benefit of additional marks. Therefore, no fault can be found with the selection of respondent No.4. However, given that petitioner has established that she is a widow and the said position cannot be controverted in view of the certificate issued as per the requisite format by the competent person i.e. Tehsildar of the area, I am of the view that being a widow, she be given the benefit thereof.

6. In view of the aforesaid, writ petition is disposed of with an expectation from the respondents that subject to any vacancy of Anganwadi Worker in the District as on today, she be given the

benefit thereof, failing which, as and when future vacancy arises, she will be given benefit of additional marks being a widow, in case she is otherwise found meritorious.

7. Disposed of accordingly.

(ARUN MONGA)
JUDGE

November 14, 2022
vandana

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