

124

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

CWP No. 5141 of 2022

Date of Decision: 01.06.2022

Bhawna

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari for quashing order dated 15.01.2020 (Annexure P-8) vide which respondent No.6 has been selected as Anganwari worker.

2. Petitioner is resident of village Balauli, District Yamuna Nagar. Applications were invited for the post of Anganwari worker. She applied for same under BCA category. Vide memo dated 19.07.2018, her application was rejected on the ground that she belongs to backward category. One Amar Singh sought information under Right to Information Act, 2005 and basis thereof, petitioner claims that one post is reserved for scheduled caste category.

3. Petitioner submitted representation Annexure P-6 seeking appointment on the vacant post but no action was taken thereon. She then approached this Court by way of filing CWP No. 27730 of 2018 seeking quashing of order dated 17.07.2018, whereby, allegedly one post of general category Anganwari worker was converted into scheduled caste.

The said petition was disposed of vide order dated 16.08.2019 (Annexure P-7) and pursuant thereto, petitioner applied afresh for the post of Anganwari worker under general category. She secured 89 marks as against 91 secured by respondent No.6. Allegation is that respondent No.6 was undeservedly given 02 marks more than the petitioner in the interview. Hence, the petition.

4. The matter was first heard on 31.03.2022 wherein following order was passed :

*“ Learned counsel for the petitioner seeks some time to place on record the additional documents which he submits are relevant for proper adjudication of the case.
May do so. Post it on 10.05.2022.”*

More time was again sought on 10.05.2022 by learned counsel for the petitioner. Today none has appeared on behalf of the petitioner and even so called additional material has also not been brought on record.

5. On the other hand, learned State counsel has drawn my attention to para 10 of the petition, which is reproduced herein below :

“10. That a bare perusal of the impugned order dated 15.01.20220 shows that the qualification marks obtained by petitioner and respondent No.6 were same but the selection committee has given two marks more than the petitioner to respondent No.6 in interview. The petitioner obtained 06 marks in interview and her grand total marks are 89 whereas respondent No.6 secured 08 marks in interview and her grand total marks are 91, so she was selected by the respondents. It is relevant to mention here that the petitioner belongs to backward class category and is widow having two minor children, is more suitable candidate than respondent No.6 The claim of petitioner was rejected by the respondents only on the ground that earlier she filed CWP No. 27730 of 2018 against the respondents and on the petition filed by the petitioner the post of Anganwari worker was converted from SC to General category. Due to this grudge the case of the petitioner was rejected by the respondents by giving two marks more to respondent No.6.

6. Perusal thereof reveals that conceded case of the petitioner is that she is aggrieved by grant of lessor marks in the interview. The nature of relief viz. increase or decrease of quashing of interview marks sought herein cannot be granted in writ jurisdiction to an unsuccessful candidate merely because she has got lessor marks in the interview.

7. In view of the above, no ground for interference by this Court is made out.

8. Dismissed.

JUNE 01, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No