

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(206)

CWP-2306-2010

Date of decision:- 02.02.2023

Saroj Bala @ Saroj Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Charanjeet Kaur, Advocate  
Legal Aid Counsel for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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**SUVIR SEHGAL, J. (Oral)**

Petitioner has approached this Court seeking issuance of a writ in the nature of certiorari for quashing order dated 21.05.2009, Annexure P-3, vide which her services have been terminated and order dated 29.01.2010, Annexure P-5, whereby appeal, preferred by her, has been dismissed.

Petitioner applied for the post of *Anganwari* worker pursuant to public notice in a daily newspaper, Annexure P-1. She appeared for interview and as she had scored the maximum marks, she was recommended for selection. Appointment order dated 16.05.2006, Annexure P-2, was issued and she was posted at Ward No.16 in Narnaul. By order dated 21.05.2009, Annexure P-3, without giving her any opportunity of hearing,

her services were terminated. She challenged the termination before this Court and vide order dated 26.08.2009, Annexure P-4, she was relegated to the remedy of filing of an appeal. However, she remained unsuccessful and by impugned order dated 29.01.2010, Annexure P-5, which has been challenged herein, the Appellate Authority dismissed her appeal.

I have heard counsel for the parties and examined the paper-book with their able assistance.

Appeal, preferred by the petitioner, has been dismissed by placing reliance upon instructions dated 03.08.1990 issued by Director, Child Welfare Department, which provide that when a matriculate candidate is available, it is not proper to appoint a middle pass women as *Anganwari* worker. In the response filed to the writ petition, the respondents have not specified as to whether any matriculate candidate was available, who was better suited than the petitioner. In any case, fresh instructions had been issued by the department on 13.03.2006, which have been reproduced in the writ petition, laying down norms for appointment of *Anganwari* worker by providing marks for educational qualification, special preference, experience and interview. It is the specific case of the petitioner that she had scored more marks than the other three candidates, who had appeared for interview. This position has been averred in para 7 of the writ petition and has not been denied by the respondents in their response. The Appellate Authority, however, did not advert to the fresh instructions. As the appellate order has been passed ignoring the subsequent instructions, on this premise alone, it cannot be sustained.

Accordingly, impugned order, Annexure P-5, is set aside.

Writ petition is disposed of with a direction to the Appellate Authority to pass a fresh order within a period of four months from the date of the communication of this order, after hearing the petitioner.

02.02.2023  
*Kamal*

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |