

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CWP No. 20225 of 2017
Date of Decision : 04.12.2023

Smt. Lakshna Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Navnit Sharma, Advocate for
Mr. R.S. Dhull, Advocate for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the appointment of respondent No. 4 to the post of Anganwari Worker.

2. Learned counsel for the petitioner submits that the petitioner's claim has not been evaluated in a manner required, hence, as the petitioner has not been given the marks for experience, her claim is liable to be re-considered qua respondent No. 4 so as to evaluate who is more meritorious for appointment to the post of Anganwari Worker. Learned counsel for the petitioner submits that the petitioner had more than three years of experience as Anganwari Worker, hence, she was entitled for 07 marks for experience, whereas she has only been given 03

marks for the same, hence, the claim of the petitioner is liable to be re-evaluated vis-a-vis respondent No. 4.

3. Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that the criteria for selection for the post of an Anganwari Worker was fixed as per the Policy, which has been issued by the Government of Haryana, copy of which has been appended as Annexure R-1 and as per the said Policy, 03 marks are to be given in case a person was having upto one year of experience as Anganwari Helper, whereas for 03 years experience as an Anganwari Worker 07 marks is to be given. As per the respondents, the certificate attached by the petitioner shows that she had experience on the post of Anganwari Helper and not Anganwari Worker, hence, the petitioner's claim has been evaluated in a correct manner vis-a-vis respondent No. 4.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The relevant paragraph of the Policy, which was made applicable for evaluating the marks for experience of a candidate has been reproduced in para 2 of the reply. The relevant paragraph is as under -

“Point C Experience – Experience certificate issued by the Government/recognized institution shall only be valid 7 marks of Experience are as under:

<i>Sr. No.</i>	<i>Experience</i>	<i>Marks</i>
<i>1.</i>	<i>Upto 1 year Experience of Anganwari Worker/Anganwari Helper/Balwadi/ Sanjeevni.</i>	<i>3 marks</i>
<i>2.</i>	<i>Experience of 1 to years as Anganwari Worker/</i>	<i>5 marks</i>

Balwadi/Sanjeevni

3. *Experience of more than 3 years as Anganwari 7 marks”
Worker/ Balwadi/Sanjeevni*

6. A bare perusal of the above would show that in case a person had one year experience as an Anganwari Helper, 03 marks are to be given, which benefit has already been extended to the petitioner. With regard to the experience as Anganwari Worker, for a period of one year, 05 marks are to be granted and in case, experience is more than 3 years as an Anganwari Worker, 07 marks are to be granted. Petitioner is claiming 07 marks for experience, whereas petitioner has never worked as Anganwari Worker as her experience certificate clearly shows that she was working as an Anganwari Helper, which is totally a different post as compared to Anganwari Worker. That being the factual position and the criteria adopted by the respondents, the selection of respondent No. 4 over and above the petitioner needs no interference.

7. At this stage, learned counsel for the petitioner submits that petitioner is also challenging the Policy dated 12.06.2008, according to which, the criteria was fixed for selection for the post in question. On being asked to point out as to what is illegal in the Policy so as to be set-aside, learned counsel has only raised one point that there is no difference between the post of Anganwari Helper and Anganwari Worker, hence, the same being treated in a different manner for awarding marks qua experience is discriminating.

8. Nothing has been brought on record to show that Anganwari Helper and Anganwari Worker is the same post. Rather, the Policy,

which has been appended by the respondents as Annexure R-1, which is under challenge, the Anganwari Helper is at a lower pedestal than the Anganwari Worker. The fixing of the criteria is in the domain of the selecting agency or the employer. The Court has no authority to declare any Clause of the selection criteria as arbitrary or illegal unless and until the same is arbitrary on the face of it.

9. Keeping in view the facts and circumstances of the present case, no ground is made out for any interference by this Court in the present petition.

10. Dismissed.

December 04th, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No