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**IN THE HIGH COURT OF MADHYA
PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 25th OF JANUARY, 2024

WRIT PETITION No. 1506 of 2024

BETWEEN:-

**SMT. ANJALI SHARMA W/O LATE SHRI
SATYANARAYAN SHARMA, AGED ABOUT 37
YEARS, R/O- VILLAGE RAJGARH TEHSIL BAIRAD
PARGONA POHRI, DISTRICT SHIVPURI (MADHYA
PRADESH)**

.....PETITIONER

(BY SHRI AKSHAT JAIN - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH
THROUGH PRINCIPAL SECRETARY WOMEN
AND CHILD DEVELOPMENT DEPARTMENT,
VALLABH BHAWAN BHOPAL (MADHYA
PRADESH)**
- 2. DISTRICT COLLECTOR DISTRICT SHIVPURI
(MADHYA PRADESH)**
- 3. DISTRICT PROGRAMME OFFICER WOMEN
AND CHILD DEVELOPMENT DEPARTMENT
SHIVPURI (MADHYA PRADESH)**
- 4. PROJECT OFFICER WOMEN AND CHILD
DEVELOPMENT DEPARTMENT WELFARE
PROJECT POHRI, SHIVPURI (MADHYA
PRADESH)**
- 5. SMT KRISHNA YADAV W/O RAJENDRA
YADAV R/O VILLAGE RAJGARH, TEHSIL
BAIRAD, PARGONA POHRI, SHIVPURI
(MADHYA PRADESH)**

**(BY SHRI VIVEK KHEDKAR - ADDITIONAL ADVOCATE GENERAL
FOR RESPONDENTS NO.1 TO 4/STATE)**

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This petition coming on for hearing this day, the court passed the following:

ORDER

1. The present petition under Article 226 of the Constitution has been preferred by the petitioner being crestfallen by the order dated 19.12.2023 passed by the Court of Additional Collector, District Shivpuri whereby appeal preferred at the instance of petitioner is partly allowed and matter is remanded back to the Project Officer, Women and Child Welfare Department for reconsideration of the case for appointment to the post of Aanganwadi worker.

2. Precisely stated facts of the case are that petitioner is a widow and was an aspirant for post of Aanganwadi worker and stood at serial No.1 in the merit list. She received 50.91 marks and respondent No.5 was much below and received 45.2 marks. This precipitated the cause of action for respondent No.5 to raise objection before the Project Officer. Reason for objection was the allegation regarding permanent residence of petitioner which according to the respondent No.5 is Village Kakrauwa which is a place distant around 2 kms from Village Rajgarh where the Aanganwadi worker was to be appointed. Said objection was taken care of by the Project Officer and merit list was reshuffled.

3. Against the said rearrangement, petitioner preferred appeal before the Collector District Shivpuri and vide impugned order dated 19.12.2023 matter was remanded back. Petitioner is against the order of remand.

4. It is the submission of learned counsel for the petitioner that initially SDO, Pohari, conducted a survey in which petitioner was found to be the resident of Village Rajgarh but on complaint being made by the respondent No.5, said fact was kept up side down to the extent where same authority opined otherwise. Now the petitioner was not the resident of Village Rajgarh. This created an anomalous situation where same authority in quick succession changed its mind. Therefore, apprehension arose regarding transparency of recruitment process.

5. Learned Additional Advocate General for the State opposed the prayer and fairly submitted that matter is remanded back to the concerned authority for re-appreciation of the dispute objectively. He undertakes that respondents/authorities shall take objective assessment of the situation without being influenced by any persuasion or otherwise of respondent No.5.

6. Heard.

7. Considering the submissions and the fact that this petition has been preferred against the order of remand and no prejudice has been caused as such to the cause of petitioner because she would definitely have an opportunity to present her case before the concerned authority showing herself to be original resident of Village Rajgarh Tahsil Bairad and it is expected from the concerned authorities that they shall take an objective assessment of the situation and shall conduct recruitment process in fair and transparent manner so that any person may not have any misgiving about the recruitment process.

8 . According, the present petition **stands disposed of with**

aforesaid observation.

**(ANAND PATHAK)
JUDGE**

Rashid

