

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

(210)

RSA-3173-2014

Date of Decision : February 08, 2024

Sheela Devi

.. Appellant

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Wazir Singh, Advocate, for the appellant.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present regular second appeal has been filed against the concurrent findings recorded by the Courts below by which, the suit filed by the appellant-plaintiff challenging the appointment of the private respondent to the post of Anganwari Worker, has been dismissed.

2. Learned counsel for the appellant-plaintiff argues that the matriculation certificate which has been submitted by respondent No. 4 is from an open University and nothing has come on record that the said certificate of matriculation has been achieved by respondent No.4 in a manner required hence, as respondent No.4 has not been able to prove that she was rightly awarded the qualification of matriculation by the National Institute of Open Schooling, the suit filed by the appellant-plaintiff has wrongly been dismissed by the courts below.

3. It may be noticed that the allegation with regard to the qualification of respondent No.4 qua the matriculation certificate has been raised by the appellant-plaintiff hence, the burden of proof to prove the said allegation also lies upon the appellant-plaintiff and it is a conceded position that no evidence has been brought on record to prove that the matriculation certificate produced by respondent No. 4 is bogus.

4. In the absence of any evidence brought on record, the Courts below have rightly observed that the respondent No.4 was fully eligible to compete for the post of Anganwari Worker and has rightly been selected for the post in question.

5. Even otherwise, the perversity in the orders of the courts below has to be pointed out keeping in view the evidence which has come on record while arguing the regular second appeal. This Court is not to sit in appeal so as to re-appreciate the evidence so as to record a finding, contrary to the findings recorded by the Courts below.

6. Keeping in view the fact that no perversity in the orders passed by the Courts below has been pointed out by the learned counsel for the appellant-plaintiff keeping in view the evidence which has come on record, no ground is made out for any interference by this Court in the present regular second appeal.

7. Dismissed.

February 08, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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