



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

121

CWP-35226-2024
Date of Decision: 07.01.2025

DARSHNA BAI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 22.11.2012 (Annexure P-4) passed by respondent No.4-Programming Officer, ICDS Cell District Level, Fatehabad whereby the services of the petitioner were terminated from the post of Anganwari Worker on the ground that the Board wherefrom she claimed to have passed the matriculation examination was not in the list of approved/recognized Boards as per the Director's circular dated 09.08.2011. A further challenge is also made to the order dated 29.10.2014 passed by respondent No.2- The Director General, Women & Child Development Department dismissing the appeal preferred by the petitioner.

Learned counsel for the petitioner contends that the petitioner is an unmarried woman having no other member in the family who is earning. She is having an experience of 08 years, 05 months and 09 days as an Anganwari Helper at different Anganwari Centres in Block Bhuna. The petitioner was

thereafter appointed as Anganwari Worker vide appointment letter dated 09.05.2011. She worked as such for a period of 01 year, 07 months and 22 days, whereafter her services were terminated from the post of Anganwari Worker on 22.11.2012 on the ground that the Board from which she had passed her Matriculation Examination is not in the list of recognized Boards as per the letter No.20770/90/CD3 WCD dated 09.08.2011. The petitioner thereafter approached this Court challenging the abovesaid order of termination vide CWP-3413-2014 and the same was disposed of vide order dated 04.07.2014 with liberty to the petitioner to approach the Appellate Authority. The said appeal was also dismissed by the Appellate Authority vide order dated 29.10.2014. He further contends that the petitioner has, in the meanwhile, cleared her matriculation examination from National Institute of Open Schooling which is in the list of Boards recognized by the Department. He further contends that the petitioner has thereafter been approaching the respondents to give her appointment to the post of Anganwari Worker, being a qualified and eligible destitute woman and having no other source of income, however, no decision has been taken by the respondents till date.

I have heard the learned counsel for the petitioner and have also gone through the documents and other material available on record with his able assistance.

It is undisputed that the order under challenge is more than a decade old and admittedly, the petitioner did not possess a valid certificate of Matriculation as on the date of her initial appointment. Any subsequent acquisition of educational qualification may hold the petitioner to be eligible for a subsequent appointment, however, in no case, the qualification acquired at

subsequent stage can be held to be sufficient to set aside an order that had been passed on valid grounds. The subsequent developments relied upon by the counsel for the petitioner cannot be the basis for setting aside an order which has otherwise been passed after valid considerations.

Besides, the present petition has been filed after a period of more than 12 years of passing of termination order and about 10 years after dismissal of her appeal as well. There is thus an inordinate unexplained delay in approaching this Court to challenge the impugned order. The delay being exceptionally long, the belated writ petition deserves to be dismissed on the grounds of delay and laches alone.

Further, a subsequent argument about the non-appointment of the petitioner pursuant to the subsequent advertisement raised by the petitioner would lack merit since the selection and appointment under successive advertisement is not under challenge before this Court, and as such, it would be improper for this Court to examine the merits of such subsequent selections.

Finding no merit in the present petition and for the reasons mentioned above, the present petition is hereby dismissed in *limine*.

JANUARY 07, 2025.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No