IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1508 of 2017
Decided on: 25.04.2026

Urmila Devi ... Petitioner

Versus

The State of Himachal Pradesh and others ... Respondents

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?[1] **YES**

For the petitioner:	Mr. Vinod Thakur, Advocate.
For the respondents:	Mr. Rajpal Thakur, Additional Advocate General, for respondents No.1 to 3.
	Mr. H.S. Rangra, Advocate, for respondent No.4.
	Respondent No.5 *ex parte*.
	Mr. Narender Guleria, Advocate, for respondent No.6.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has assailed the appointment of Respondent No.4, who was appointed as an ASHA (About Accredited Social Health Activist) Worker, vide Annexure P-4.

2. The case of the petitioner is that process was initiated to fill-up the post of ASHA Worker, which had fallen vacant in the month of December, 2016 at Primary Health Centre, Chukku, Tehsil Padhar, District Mandi, H.P., and the petitioner as also private respondent, i.e., respondent No.4, applied for the said post alongwith other candidates. The private respondent was selected in terms of the merit determined by the Selection Committee vide Annexure P-4 and feeling aggrieved, the petitioner filed this petition. The challenge

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

to the appointment of the private respondent by the petitioner is on the ground that the appointment of the private respondent is not on merit, but on account of extraneous reasons.

3. Learned Counsel for the petitioner referred to the documents appended with the petition and submitted that herein, the factum of appointment of the private respondent being a result of extraneous reasons is evident from Annexure P-3 (Colly). He drew the attention of the Court to communication dated 28.02.2017 (Annexure P-3) and submitted that in terms of this communication, Deputy Mission Director, National Health Mission wrote to the Chief Medical Officer, Mandi, District Mandi, H.P., on the subject of Status of ASHA position in GP Chukhu and stated therein that said letter was being sent in reference to a U.O. Note received from the Minister of Health, Revenue & Law, Himachal Pradesh "in respect to request application from Smt. Chanchala Devi, W/O Sh. Chaman Lal, Village Nichli Nagan, P.O. Chukku, Tehsil Padhar, District Mandi, H.P. for the post of ASHA". It was further mentioned therein that the Officer, to whom the communication was addressed, was to submit the status report of ASHA position in the concerned Panchayat, so that the Minister could be apprised accordingly.

4. Thereafter, learned Counsel referred to the U.O. Note and submitted that in terms of said U.O. Note, there was a desire expressed by the Health Minister to consider the request of the private respondent sympathetically, which obviously meant that

there was a dictate to the Officer concerned to offer appointment to her. Learned Counsel, thereafter, referred to Annexure P-4 and submitted that in this backdrop, if one scrutinises the mode and manner in which the Selection Committee dealt with the case of the private respondent with the velvet glove, it is evident that as far as the marks allotted under the objective Heads, the members of the Selection Committee therein could not have done anything to help the private respondent. However, when it came to the grant of interview marks, out of the three members of the Selection Committee, the first member, who was the Pradhan of the Gram Panchayat, she gave marks ranging from .75 to 1 out of 10 to all the candidates. The Block Development Officer gave marks ranging from 0.5 to 1 to all the candidates, but he gave 2 marks to the private respondent and when it came to the Block Medical Officer, he also gave .5 to 1 and 1.5 to other candidates, but as far as the private respondent is concerned, she was given 1.75 marks. Thus, learned Counsel submitted that the private respondent was given 2 additional marks by the Officers, who were part of the Selection Committee, without any cogent reason, except on account of the reason that they were under pressure from the Minister concerned, who was the member of the Legislative Assembly from the same area.

5. Learned Counsel also referred to letter addressed by the Pradhan of the Congress Committee, Chukku, which is also

appended with the petition as Annexure P-3 (Colly), dated 16.01.2017, in which the Pradhan of the Congress Committee, Chukku had written to respondent No.6 to have the private respondent appointed against the post of ASHA Worker on the ground that her family supported the Congress Party. Learned Counsel thus submitted that in the backdrop of all these facts, the only conclusion that could be drawn was that the appointment of the private respondent was the result of sheer bias and extraneous considerations. Accordingly, learned Counsel prayed that the present petition be allowed and appointment of the private respondent be set aside and respondents be directed to offer appointment to the petitioner.

6. On the other hand, learned Counsel for the private respondent submitted that there is no merit in the petition, as the petitioner was not able to substantiate the allegations contained therein. He submitted that the Selection Committee acted in an unbiased manner and gave marks to the candidates as per their performance and, therefore, as there was no merit in the petition the same deserves dismissal. No other point was urged.

7. Learned Additional Advocate General submitted that in the case in hand as is apparent from the record, because the selection of the private respondent was on the basis of the performance before the said Committee, therefore, obviously as the Committee granted marks to the private respondent as per her

performance, there is no illegality in the offer of appointment to the private respondent. Learned Additional Advocate General further submitted that even otherwise, it is evident from the reply filed by the State that the petitioner was not eligible to be offered appointment against the post in issue.

8. Mr. Narender Guleria, learned Counsel for respondent No. 6 submitted that respondent No.6 exercised no influence as far as the appointment of the private respondent is concerned and simply on the basis of the communication appended with the petition, it cannot be said that the final selection was on account of extraneous considerations.

9. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as well as documents appended therewith.

10. The appointment in issue relates to the post of an ASHA Worker. Annexure P-4 is the merit determined by the Selection Committee of the candidates, who appeared before the said Committee. Perusal thereof demonstrates that in all, 12 candidates appeared before the Committee and their merit was to be determined on the basis of marks which were to be allotted under the Heads mentioned in the proforma which, *inter alia*, included marks to be allotted for experience, for belonging to SC, ST or BPL family, local residency and previous selection etc.. The marks were also to be granted in case the applicant happened to be a widow, divorcee or

deserted lady.

11. The Proforma Annexure P-4 further demonstrates that the total marks were 12 and 6 marks were for interview, i.e. 2 marks to be awarded by each member.

12. When one assesses the merit of 12 candidates as per marks minus the marks to be allotted by the members, one finds that therein the private respondent had only 2 marks in her Kitty, i.e. 1 mark for belonging to SC/ST Category and 1 mark for being a local resident.

13. On the other hand, the petitioner herein, was having 4 marks under the objective Headings minus the allotment of marks in the hands of the members, that is to say, she was allotted 2 marks for being a widow, 1 mark for belonging to ST/ BPL family and 1 mark for being a local resident.

14. Thus, as far as the initial 6 marks, allocation whereof was completely objective, the petitioner had a clear march of 2 marks over the private respondent.

15. Now, when it came down to the subjective allotment of remaining 6 marks, 2 of which were in the hand of 3 members, one finds that the member of the Selection Committee who was not a Government servant, has either given .75 or 1 mark to the candidates. In fact, to be more precise, the Pradhan of the Panchayat gave .75 marks to the first 2 candidates and, thereafter, the Pradhan allotted 1 mark each to all the candidates, including the petitioner as

also the private respondent. Thereafter, when it came down to the Block Development Officer, he allotted .75 marks to the candidates at serial No. 1 and 2, 1 mark to the candidates at serial No.3 to 6, 2 marks to the private respondent and, thereafter, again 1 mark to candidates from serial No.8 to serial No. 11. As far as the petitioner is concerned, the Block Development Officer allotted her only .5 marks.

16. Similarly, the Block Medical Officer also allotted .75 marks to the first 2 candidates, 1 mark to the candidates from serial No.3 to 6, 1.75 marks to the private respondent and then again 1 mark to the candidate at serial No.8, 1.5 marks to candidate at serial No.9, 1 mark to candidate at serial No. 10 and 11 and .5 marks to the petitioner.

17. On account of the marks allotted by the members, the private respondent scored 6.75 marks overall as compared to 6 marks scored by the petitioner.

18. As observed hereinabove, in the Headings wherein the allotment of marks was completely objective, the petitioner was having 4 marks out of 6 and the private respondent was having 2 marks out of 6.

19. In the subjective allotment of 6 marks, the petitioner was allotted only 2 marks, i.e. 1 mark by the Pradhan and .5 mark by Block Development Officer and Block Medical Officer each, whereas the private respondent was allotted 1 mark by the Pradhan

and 2 marks by Block Development Officer and 1 mark by Block Medical Officer.

20. Why so? The answer is obvious. The answer comes from Annexure P-3, appended with the petition.

21. In the light of the fact that the Minister for Health, Revenue & Law, Himachal Pradesh had already expressed a desire to consider sympathetically the request of Chanchala Devi for appointment against the post of ASHA Worker, obviously, the desire of the concerned Health Minister was a command as far as the Block Medical Officer is concerned and also as far as the Block Development Officer is concerned, for the reason that the Minister happened to be the MLA of the local area.

22. Besides this reason, from the pleadings of the private respondent as well as the State, nothing is evident as to why the private respondent was given marks much much more by the Block Development Officer and Block Medical Officer in the interview as compared to other candidates and why the petitioner was not given marks even equal to the others. Because the petitioner in the objective evaluation of 6 marks was having a lead of 2 marks over the private respondent, it was to set at naught that lead that this entire exercise was undertaken by the Officers.

23. Thus, it is evident that the appointment of the private respondent was not on merit, but because of extraneous considerations and in light of the fact that the allotment of marks in

favour of the private respondent was more to please the Minister concerned, this appointment cannot be sustained.

24. Accordingly, in view of the above observations, this petition is allowed. The appointment of the private respondent as ASHA Worker vide Annexure P-4, is quashed and set aside and the respondent-Authorities are directed to offer appointment to the next candidate on merit. In light of the fact that the private respondent literally usurped the post rather than being appointed on the said post on merit, this Court further orders that the salary which the petitioner was paid on account of her being appointed in an arbitrary manner against the post, be recovered from her.

25. The petition stands disposed of. Interim order, if any, stands vacated. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 25, 2026
(Rishi)