IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 3370 of 2014

Decided on: 25.04.2026

Smt. Kusum Lata ... Petitioner

Versus

The State of H.P. and others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioner	:	Mrs. Archna Dutt, Advocate.
For the respondents	:	Mr. Pushpender Jaswal, Additional Advocate General for respondents No. 1 to 3.
	:	M/s Varun Chandel and Amrick Singh, Advocate.

Ajay Mohan Goel, Judge *(Oral)*

By way of this writ petition, the petitioner has *inter alia* prayed for the following relief:-

> *"(i) That in view of the fact that the appointment of respondent No.4 has been quashed by the learned Deputy Commissioner, Bilaspur vide order dated 18.7.2013 and the fact that the petitioner at No. 1 in the merit list, the respondents may be directed to appoint the petitioner as Anganwari Worker in Anganwari Centre, Khann, District Bilaspur, H.P. from due date along with all consequential benefits, in the interest of justice and fair play."*

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

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2. Facts necessary for the adjudication of this petition are that in a process initiated for the appointment of an Aanganwari Worker at Aanganwari Centre, Khann, District Bilaspur, private respondent-Smt. Kamla Devi was appointed.

3. Feeling aggrieved by the appointment of the private respondent, the petitioner preferred an appeal. The appeal of the petitioner was allowed by the Appellate Authority in terms of Annexure P-2, dated 29.05.2010, by holding that Smt. Kamla Devi, was not eligible to be offered appointment as an Aanganwari Worker.

4. This order of the Appellate Authority was assailed by Smt. Kamla Devi, by way of CWP No. 3157 of 2010, titled as Kamla Devi vs. Union of India and others, which was decided by Hon'ble Division Bench of this Court on 09.03.2012, in the following terms:

> *"2. Therefore, the impugned orders are set-aside, the matter is remitted to the Deputy Commissioner, Bilaspur, who shall consider the matter afresh in accordance with the judgment, as extracted above after affording an opportunity for hearing to the petitioner and the 4th respondent. Needful orders, as above shall be passed within a period of four months from the date of receipt of this judgment. Interim order dated 10-6-2010 will continue till such time."*

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5. Thereafter, again the Appellate Authority decided the appeal in terms of order dated 18.07.2013 (Annexure P-4) and vide a detailed order, again came to the conclusion that Smt. Kamla Devi was not eligible to be offered appointment as an Aanganwari Worker.

6. The petitioner, thereafter, has approached this Court feeling aggrieved by the fact that after the setting aside of the appointment of private respondent Smt. Kamla Devi, no action has been being taken by the Authorities to fill up the said post.

7. Having heard learned Counsel for the parties and having perused pleadings as well as documents appended therewith, this Court is of the considered view that in light of the fact that the order dated 18.07.2013 passed by the Appellate Authority was not assailed by Smt. Kamla Devi, the same has attained finality as far as the findings returned qua her ineligibility to be appointed against the post of Aanganwari Worker are concerned.

8. The petitioner had approached this Court in the year 2014 by way of this petition and on 10.07.2014, this Court passed the following order:-

> *"Record perused and returned. It is not in dispute that private respondent stands removed. Also the post of Anganwari Worker is lying vacant. We direct that the said post shall not be filled up without leave of the Court.*

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Rejoinder be filed within a period of two weeks. List on 30th July, 2014."

9. Accordingly, this petition is disposed of with the direction that in case the post is still lying vacant, then let the appointment be offered to the next in line on the basis of merit, in terms of the selection process, which was undertaken by the respondents, in which, the private respondent was initially selected. The appointment that may be offered, shall be prospective for all intents and purposes. Though, learned Counsel for the private respondent has opposed the petition but this Court is of the considered view that the private respondent has no locus to oppose the petition because she has not assailed the order in terms whereof her appointment was set aside. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 25, 2026
(*narender*)