IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9887 of 2013

Decided on: 31.10.2026

Premila **.....Petitioner**

Versus

State of H.P. and Ors **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Ashwani Pathak, Sr. Advocate with Mr. Dev Raj, Advocate, Advocate.

For the Respondents: Mr. Y.P.S.Dhaulta, Additional Advocate General for respondents No. 1 and 2.

Mr. Jai Dev Thakur, Advocate, for respondent No.3.

Jyotsna Rewal Dua, Judge

Heard and considered the case file.

2. Petitioner was selected and appointed as Anganwari Worker at Anganwari Center, Chipni, Tehsil Banjar, District Kullu. Her selection and appointment was challenged by respondent No.3 before the Deputy Commissioner, Kullu on 16.08.2007. The said authority set aside petitioner's appointment vide order dated 21.01.2008.

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

Petitioner's appeal against this order was dismissed by the Divisional Commissioner, Mandi on 29.03.2008. Petitioner next instituted CWP No. 882/2009. The said writ petition was decided alongwith a bunch of writ petitions on 26.07.2010 with direction to the authorities to decide the case afresh in light of guidelines laid down therein.

3. Pursuant to above, respondent No. 3 raised an objection before the concerned authorities about income certificate having been wrongly issued to the petitioner which had resulted in her wrong appointment as Anganwari Worker. The Deputy Commissioner, Kullu ordered an inquiry qua the income certificate issued to both the parties. Inquiry was conducted by the Tehsildar, Banjar, District Kullu. The Tehsildar, Banjar reported that income certificate issued to the petitioner was not correct. Her income was much more than the prescribed limit. Accordingly, petitioner's income certificate was cancelled vide order dated 08.12.2011 (Annexure P-1).

4. The Deputy Commissioner, Kullu consequently passed order on 15.03.2012 quashing and setting aside petitioner's appointment as Anganwari Worker, instead, respondent No. 3 was ordered to be appointed. Respondent No. 3 joined as Anganwari worker and is serving as such

since 30.12.2013. In the interregnum, feeling aggrieved against the order dated 15.03.2012 passed by the Deputy Commissioner, Kullu, petitioner filed an appeal before the Divisional Commissioner, Mandi. During pendency of the appeal, petitioner also laid challenge to the order passed by the Tehsildar on 08.12.2011 before the Sub-Divisional Officer, Banjar, District Kullu, who dismissed petitioner's appeal on 22.05.2012. Petitioner assailed this order in CWP No. 530/2013. The writ petition was also dismissed on 24.06.2013. The appeal pending before the Divisional Commissioner was also dismissed on 03.12.2013.

In the above background, petitioner has instituted this writ petition assailing the order passed by the Divisional Commissioner on 03.12.2013 and seeking her appointment as Anganwari worker.

5. Though an interim order was passed in this writ petition on 30.12.2013, but the same was conditional. It is an admitted position on record that it is respondent No. 3 who is continuing to serve as Anganwari worker eversince 30.12.2013. The order passed by the Tehsildar on 08.12.2011 cancelling the income certificate issued to the petitioner on the basis of which she was selected and appointed as Anganwari worker, has been affirmed by the

Sub-Divisional Magistrate on 22.05.2012. CWP No. 530/2013 instituted by the petitioner against this order was dismissed on 24.06.2013. The order dated 08.12.2011 having attained finality, the petitioner's instant writ petition is otherwise also not maintainable as the issue in respect of petitioner's income certificate has attained finality. Petitioner's income certificate, on the basis of which, she was selected and appointed did not correctly depict her actual income as her income was much more than the outer limit prescribed in the applicable policy. This being the admitted position, no interference can be made in petitioner's instant i.e. third writ petition. The petition is accordingly dismissed.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

October 31, 2026
R.Atal