



RSA-9614-2018 (O&M)

-1-

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

RSA-9614-2018 (O&M)

MANJIT KAUR AND ANR.

.....Appellants

Vs.

GOLO KAUR AND ORS.

.....Respondents

Reserved on : 07.04.2026

Pronounced on: 10.04.2026

Uploaded on: 10.04.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ayush Sarna, Advocate for
Mr. Parveen Kumar Garg, Advocate
for the appellants.

Mr. Gaurav Goyal, Advocate
for respondent No.1.

Mr. Ravneet Singh Joshi, DAG, Punjab
for respondent Nos.3, 4 and 6.

SUDEEPTI SHARMA J. (Oral)

1. The present regular second appeal is filed against judgment and decree dated 10.08.2018 passed by Additional District Judge, Sangrur, whereby appeal filed by respondent No.1 was allowed.
2. Brief facts of the case are that Anganwadi workers were appointed in the year 2004. However, appointment of respondent No.1 and respondent No.7 were declared illegal and was quashed by this court vide judgment dated 19.04.2010 with the following directions:-

*“Consequently and for the reasons afore-stated,
the writ petition is allowed. The appointment order dated
18.12.2004 (Annexure P-10) is hereby quashed with the
following directions:-*



(i) *the Director, Department of Social Security, Women and Child Development shall ensure that the posts of Anganwari Workers are properly advertised in the village through more than one modes. The gram Panchayat alone shall not be given the responsibility of advertising the posts. The petitioner as well as respondent No. 6 and 7 shall be at liberty to re-apply in response to the fresh advertisement;*

(ii) *The Programme Officer, Women and Child Development, Sangrur shall ensure that all the eligible candidates including those who have acquired eligibility after 2004 are given opportunity to compete for both the posts;*

(iii) *owing to the allegations and counter allegations made against the Sarpanch and the Child Development and Project Officer, Sunam, the Director – respondent No. 2 is directed to constitute a Selection Committee to be headed by an Officer not below the rank of Programme Officer, who shall then interview and recommend the names of candidates strictly as per the Government policy. The selection process shall be completed within a period of three months from the date a certified copy of this order is received/*

(iv) *keeping in view the larger public interest, respondents No. 6 and 7 shall be permitted to continue as Anganwari Workers till fresh selection is made. However, they shall not be granted any weightage or benefit of 'experience' gained by them while working as Anganwari Workers through illegal appointment. As soon as the fresh selections are made, respondents No. 6 and 7, if they are not amongst the selected candidates, shall make room for the newly selected candidates.”*



3. In compliance of the directions of this Court, fresh applications were invited vide communication dated 04.10.2010. Public announcement was made through the speaker of village Gurudwara and other customary modes of proclamation. Pursuant thereto, 17 applications were received from eligible candidates of the village. The Director, Women and Child Development Department, constituted a duly authorized selection committee comprising of District Programmer Officer, CDPO, and Superintendent for conducting the selection.

4. After following due procedure, appellants were selected on 06.12.2010 and joined their duties on 15.12.2010. Respondent Nos.1 and 7 filed civil suit challenging appointment of appellants. Civil suit filed by them was dismissed by judgment and decree dated 28.07.2016 passed by learned Additional Civil Judge (Sr. Division), Sunam. Respondent No.1 filed appeal against the same which was allowed. Hence, the present regular second appeal.

5. Learned counsel for the appellants contends that learned First Appellate Court has wrongly allowed the appeal filed by the respondent No.1. He further contends that learned First Appellate Court has totally ignored the evidence on record while allowing the appeal filed by respondent No.1. He, therefore, prays that the present appeal be allowed and judgment and decree dated 10.08.2018 be set aside.

6. Per contra, learned counsel for respondent No.1 contends that the appeal filed by respondent No.1 has rightly been allowed by learned First Appellate Court by passing a well-reasoned judgment and decree. He, therefore, prays that the present appeal be dismissed.

**RSA-9614-2018 (O&M)****-4-**

7. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

8. A perusal of judgment passed by learned First Appellate Court shows that it is allowed solely on the ground that directions issued by this Court vide judgment dated 19.04.2010 were not complied with by official respondents. And without appreciating the evidence on record which clearly proved that directions were fully complied with, learned First Appellate Court has allowed the appeal filed by respondent No.1.

9. On 09.11.2023, this court passed the following order:-

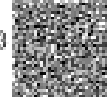
“It is evident that the first Appellate Court, vide judgment dated 10.08.2018, held that the selection of the appellants as Anganwari Workers was not made in accordance with the directions issued by the High Court. While quashing the selection of the appellants, the Court gave liberty to the defendant No.2, to conduct the appointments afresh. A period of more than five years has elapsed from the date the directions were issued. A preliminary hearing of this appeal is yet to take place.

The learned counsel representing the appellants is directed to disclose the status of fresh selection, if any, made during the last five years.

List on 28.11.2023, in the urgent list.”

10. In compliance of the above referred to order, affidavit of Mr. Gurwinder Singh, Child Development Project Officer Sunam-2 District Sangrur dated 22.01.2025 was filed. Relevant portion of the same is reproduced as under:-

“2. That in the wake of judgment dated 19.04.2010. Vide letter dated 04.10.2010 fresh applications for the post of Anganwari Workers were 04.10.2010 fresh



applications for the post of Anganwari Workers were invited upto 10.10.2010. Proper announcements by Gram Panchayat Performa Respondents No.2 were made through speaker of Gurudwara. Further Proclamation and other formalities by Performa Respondent No.2 were also done. It was also made ample clear through these announcements that respondent No.1 and Kalanwanti could also apply for the said posts. But Kalanwanti and Golo Respondent didn't submit their applications for the post of Anganwari workers. After following the proper procedure, 17 applications were received excluding respondents Golo and Kalanwanti. Subsequently, The Director, women and child development department constituted a selection committee consisting of District Programme Officer, Sangrur, CDPO and Superintendent of the office of District Programme Officer, Sangrur for the selection of Anganwari Workers in the year 2010. The selection of new Anganwari workers i.e. Appellant Manjit Kaur, who is a widow and Jaswinder Kaur (Disabled) was done on 06.12.2010 and they joined on their posts on 15.12.2010.

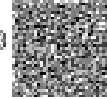
Henceforth, after following proper selection process the appellants were selected as Anganwari workers who worked till their termination on 11.10.2024 from the performa defendant 3 i.e. District programme officer Sangrur in compliance of judgement dated 10.08.2018 passed by the Ld. Addl. District and session judge. As a consequence the Judgment dated 10.08.2018 passed by the Ld. Addl. District and Session Judge is liable to be set aside being devoid of merits.”

11. A perusal of the above shows that proper procedure was followed and directions of this Court dated 09.11.2023 were complied with.



12. It would be apposite to reproduce relevant portion of the judgment passed by Additional Civil Judge (Sr. Division) Sunam, dated 28.07.2016. The same is reproduced as under:-

“Thereafter, in compliance of order of Hon'ble High Court dated 19.04.2010 (Exhibit D1), fresh selections were made and defendants no. 5 and 6 were appointed as Anganwarhi worker. The plaintiff has placed on record copy of order dated 04.01.2012 passed by Hon'ble High Court in CWP No. 220 of 2012 (O & M) Exhibit P25 vide which the writ filed by plaintiffs in Hon'ble High Court was dismissed with liberty to plaintiff to file civil suit or approach any other appropriate forum in accordance with law. The plaintiff in the present case is not entitled to relief of declaration. A careful perusal of file shows that after the fresh advertisement for appointment for post of Anganwarhi worker was made, 17 applications were received in total by the department. The defendant has placed on record attested copy of resolution dated 12.10.2010 of Gram Panchayat Kauhrian Exhibit D4 regarding receiving of 17 applications for the post of Anganwarhi workers. The plaintiff did not apply for the post of Anganwarhi worker when the fresh selections were being made in view of order of Hon'ble High Court Exhibit D1. When the plaintiff did not apply for the post of Anganwarhi worker when the fresh selections were being made in view of order of Hon'ble High Court exhibit D1, then the plaintiff has no right to challenge the selection of Defendants no 5 and 6 as Anganwarhi worker. The plaintiff has argued that plaintiff had no knowledge when the fresh selection of Anganwarhi workers were being made and therefore, plaintiff could not re-apply for appointment as Anganwarhi worker. This argument of plaintiff is not



maintainable. It is admitted by plaintiff in the plaint that plaintiff was working as Anganwarhi worker till 31.12.2010. It is not possible that plaintiff would not have any knowledge about the advertisement for the fresh post of Anganwarhi workers when plaintiff were themselves working as Anganwarhi workers in the concerned department. It has been further argued by plaintiff that the department concerned did not advertise fresh post of Anganwarhi workers as directed by Hon'ble High Court vide order dated 19.04.2010 through more than one modes. This argument of plaintiffs is again not maintainable. If the defendant department did not advertise posts of Anganwarhi workers through more than one mode, then the plaintiff was at liberty to initiate contempt proceedings against concerned department. Even otherwise, the plaintiff has not filed any appeal against the order dated 19.04.2010 passed CWP No. 17184 of 2005 in Hon'ble High Court. In the present case DW1 CDPO Harbans Singh Block Sunam stepped into witness box as DW1 and placed on record document Exhibit D1 t Exhibit D8 in his evidence. These documents were objected to on the ground of mode of proof by opposite party. The learned predecessor had kept the objection open to be decided at the time of final arguments. Heard. This objection of plaintiff regarding admissibility of above said documents is not maintainable. The document Exhibit D1 is photo copy of certified copy of order dated 19.04.2010 passed by Hon'ble High Court in CWP NO 17184 of 2005. The passing of this order of Hon'ble High Court is admitted by plaintiff in the plaint, although the plaintiff has challenged the legally of this order. So the objection of plaintiff regarding admissibility of this order dated 19.04.2010 is declined. Exhibit D2 to Exhibit D8 all



documents have been attested by Child Development Project Officer, Sunam-II. Accordingly, the objection of plaintiff regarding admissibility of these documents is also declined. In view of above said discussions plaintiff is not entitled to relief of declaration and issue no. 1 is decided against plaintiff and in favour of defendants.”

13. A perusal of the above shows that even the evidence produced before the learned Additional Civil Judge (Senior Division), Sunam proves that the selection of appellants were made after following the directions dated 09.11.2023 issued by this court.
14. Learned First Appellate Court totally ignored the evidence on record orally as well as documentary, while allowing the appeal filed by respondent No.1.
15. In view of the above, judgment and decree dated 10.08.2018 passed by learned Additional District Judge, Sangrur, is set aside.
16. Accordingly, the present regular second appeal is **allowed**.
17. Decree sheet be prepared accordingly.
18. Pending application(s), if any, also stand disposed of.

10.04.2026

(SUDEEPTI SHARMA)
JUDGE

Saahil/Ayub

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