
(2011) 09 SHI CK 0282
In the High Court Of Himachal Pradesh
Case No : LPA No. 355 of 2011

Anita Randhawa and Others

APPELLANT

Vs

State of HP and Others

RESPONDENT

Date of Decision : 16-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0282

Hon'ble Judges : Kurian Joseph, C.J.; Sanjay Karol, J

Bench : Division Bench

Judgement

Justice Kurian Joseph, C.J.—A few of the petitioners in CWP(T) No. 12569 of 2008 have come up in appeal. The issue pertains to the appointment of Anganwari Supervisors. A similar issue was considered by this Court in Annexure A-6, judgment in LPA No. 117 of 2011, which also arises out of the same judgment, in appeal filed by a few of other appellants. It has been held in the aforesaid judgment as follows:

4. It is seen from the interim order dated 10th January, 2003 that the erstwhile H.P. Administrative Tribunal had permitted to interview the petitioners provisionally, in accordance with the rules. O.A. No. 2215 of 2005 was filed only on 1.9.2005, which was later on re-numbered as CWP(T) No. 12569 of 2008. There appears to be an ill-advised move on the part of the petitioners for withdrawal of O.A. (D) No. 127 of 2003. On close scrutiny of the prayers, whether the petitioners had been pursuing independent reliefs, has also to be looked into. Learned Single Judge dismissed the writ petition mainly on two grounds, one on account of unconditional withdrawal of O.A. N(D) No. 127 of 2003 and the other, non-impleading of the affected parties. As already observed above, if the prayers are closely scrutinized and the grounds taken by the petitioners are also seen, though there is overlapping, it can be seen that there is a basic and distinct contention regarding qualification based on the last date of the submission of the application. No doubt, all the affected parties are not impleaded, but the submission of the learned counsel for the petitioners is that

there are still vacancies available in Kangra District and therefore, even without claiming any seniority or without affecting the interests of those, already appointed, their case can be independently considered. It is also submitted that some of the petitioners may not be in a position to participate in a fresh selection, being over aged.

5. The law is well settled that in the absence of any specification as to the date of acquisition of qualification, it is to be reckoned as on the last date of the submission of the application, as laid down by the Hon^{ble} Supreme Court in Dolly Chhanda Vs. Chairman, JEE and Others, If that be so, the qualification had to be reckoned on the basis of the last date of the submission of the application i.e. 27.11.2002.

6. In the above circumstances, it is directed that if as on 27.11.2002, any of the appellants had acquired the requisite qualification and in case they have been found otherwise eligible in the interview already conducted as per the interim direction issued in O.A. (D) No. 127 of 2003 and in case vacancies are still available in Kangra District, withdrawal of O.A. (D) No. 127 of 2003 shall not stand in the way of the appellants for being considered for appointment as Anganwari Supervisors. To that extent, the judgment under appeal will stand modified.

7. With these observations, the LPA is disposed of. The needful action in that regard by the competent authority shall be taken within a period of two months from the date of production of a copy of this judgment by the appellants before the competent authority.

2. Since the appellants herein are also entitled to the same relief, this appeal is disposed of in terms of the judgment, as extracted above.