
(2006) 08 P&H CK 0377
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 11734 of 2006

Anju Rani

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 01-08-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 144 PLR 327

Hon'ble Judges : M.M.S. Bedi, J;M.M. Kumar, J

Bench : Division Bench

Advocate : Jagram Singh Cooner, for the Appellant;

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—This petition filed under Article 226 of the Constitution prays for quashing appointment of respondent No. 5 to the post of Anganwari Worker.

2. Brief facts of the case are that in response to the Munadi made in the village Jalalpur, Post Office Barola, Tehsil and District Ambala, in regard to inviting applications for filling up the post of Anganwari Worker, the petitioner as well as respondent No. 5 had applied for the aforementioned post by submitting their applications. It is averred in the petition that on 31.5.2006 interviews were conducted and respondent No. 5 has been selected and appointed as Anganwari Worker. However, no letter of appointment, appointing respondent No. 5 as Anganwari Worker has been placed on record. It has further been claimed that thereafter the petitioner moved an application dated 7.7.2006 (P-5) before respondent No. 4 for supplying the criteria of selection, however, no information was supplied.

3. This Court has already considered the criteria of selection of Anganwari Workers in the case of Kanta Devi v. State of Haryana and Ors. C.W.P. No. 10428 of 2006, decided on 14.7.2006 and held that the same does not suffer from any such illegality which would leave any room for Selection Committee to act

arbitrarily. It is appropriate to mention that detailed procedure for holding selection of Anganwari Worker has been provided by a letter/instructions dated 13.3.2006, issued by the Director, Women & Child Development Department, Haryana to all the Child Development Project Officers in the State of Haryana. The allocation of marks have been stipulated in the instructions dated 13.3.2006, which have been adopted and followed in the selection process while filling up the posts of Anganwari Workers.

4. The petitioner, who has remained unsuccessful in the selection process espouses her grievance by submitting that in the interview she has been awarded less marks whereas respondent No. 5 has been awarded more marks. Challenge to the appointment of respondent No. 5 has been made on the ground that the petitioner is more meritorious and having higher educational qualification than respondent No. 5, inasmuch as, the petitioner has done her M.A. in Hindi, whereas respondent No. 5 is stated to have passed 10+2 examination only. Learned Counsel for the petitioner stated that the allocation of 10 marks for interview leaves determinative discretion in the hands of the Selection Committee to invert the relevant consideration arbitrarily.

5. We have thoughtfully considered the submissions made by the learned Counsel and are of the view that the instant petition is devoid of any merit. The criteria adopted for allocation of marks, must be considered at the first instance, which is laid down in the instructions dated 13.3.2006, issued by the Director, Women & Child Development Department, Haryana to all the Child Development Project Officer in the State of Haryana, a copy of which is taken on record and marked as "A". The relevant portion of the aforementioned instructions reads as under:

Sr. No. Eligibility Marks

1. Eligibility on Matric base 60 marks (See point "A") 2. Additional Eligibility 5 Marks (See point "B") 3. Special Preference 15 Marks (See point "C") 4. Experience 10 Marks (See point "D") 5. Interview 10 Marks

TOTAL 100 Marks

Eligibility "A"

Whichever the concern of the eligibility, 60 Marks of eligibility of Matric be given as per following norms:

Sr. No. Eligibility Marks

1. Women who have the 35 eligibility of middle pass
2. Below 40% in matric 40 but pass in matric
3. 40% or more but 45 below 50% in matric
4. 50% or more but below 50 60% in matric

5. 60% or more but 55 below 75% in matric

6. 75% or more in matric 60

Additional Eligibility "B"

5% marks be given for additional eligibility as per the following norms:

Sr. No. Eligibility Marks

1. 10+2/NTT/ITI Diploma (Cutting, 3 Marks Tailoring Embroidery)

2. B.A. or more 5 Marks

Special Preference "C"

Widow/Divorcee/Deserted/Handicapped or 15 Marks whose husband got life imprisonment

Experience "D"

10% Marks of Experience be given as per following procedure:

Sr. No. Eligibility Marks

1. Experience below one year as 1 Marks Anganwari Worker

2. 1 year to 3 years and training of 2 Marks Anganwari Worker OR 3 years to 5 years experience as Anganbari Helper

3. 3 years to 6 years and training of 4 Marks Anganwari Worker OR 6 years to 10 years experience as Anganbari Helper

4. 5 years to 8 years and training of 6 Marks Anganwari Worker OR 11 years or more experience as Anganbari Helper

5. 8 years to 11 years training of 10 Marks Anganwari Worker OR 1 year experience of Balwari and training of Balwari Interview 10 Marks

6. A perusal of the instructions shows that for academic qualification, 65 marks have been allocated, which are to be worked out in accordance with details given under Eligibility "A" and Additional Eligibility "B". We find that the aforementioned allocation does not suffer from any illegality which would leave any room for the Selection Committee to act arbitrarily. It is well settled that selection criteria for allocation of marks for interview would be dependent on the nature of job, the minimum qualification which is prescribed, the age group from which the selection is to be made and the body to which the task for holding interviews is entrusted. The aforementioned view has been expressed by Hon"ble the Supreme Court in Lila Dhar Vs. State of Rajasthan and Others, , which has been repeatedly followed and applied in the cases of Anzar Ahmed Vs. State of Bihar and others, and Jasvinder Singh and Others Vs. State of Jammu & Kashmir and Others, . The criteria given in instructions is dated 13.3.2006, whereas the interview took place on 31.5.2006. Having appeared in the interview, the

petitioner is even otherwise estopped from challenging the selection and appointment of respondent No. 5, as has been laid down by Hon''ble the Supreme Court in Vijay Syal and Another Vs. State of Punjab and Others,

7. In view of the above, we do not find any merit in the petition and the same is dismissed.