
(2020) 03 MP CK 0032
In the Madhya Pradesh High Court
Case No : Writ Petition No. 1832 Of 2019

Kalawati

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-03-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 03 MP CK 0032

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : R.K. Shastri, Pawan Sharma

Final Decision : Dismissed

Judgement

1. The petitioner has filed the present petition being aggrieved by order dated 11.1.2013 whereby respondent No.5 was appointed as Anganwadi

Worker in Anganwadi Centre Sarangpada, Gram Panchayat Chandra and order dated 25.8.2017 whereby the appeal filed by the petitioner has been dismissed.

2. The petitioner and respondent no.5 participated in the selection process for the post of Anganwadi Worker in Ward No.1, Sarangpada, Gram

Panchayat Chandra. After examining the entire documents filed along with the applications, the Project Officer prepared the tentative list. Since no

objection was submitted by the petitioner in respect of appointment of respondent No.5, therefore, vide order dated 11.1.2013, the Project Officer has

appointed her. After the aforesaid appointment, the petitioner preferred an appeal before the Additional Collector which was registered as Case

No.6/Appeal/2014-15. The Project Officer filed the reply by submitting that the documents submitted by respondent No.5 were duly verified and she

was found resident of Sarangpada and accordingly she was appointed. Vide order dated 25.8.2017, learned Addl. Collector has dismissed by recording

the finding as under :

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3. Being aggrieved by the aforesaid order, the petitioner has preferred the present petition, whereas Clause C-6 of circular dated 10.7.2017, petitioner

ought to have preferred second appeal before the Commissioner within ten days, but she filed the present petition after the lapse of five months before

this Court after passing of the order by Addl. Collector. Since this Court has issued notices to the respondents, therefore, at this stage the petitioner is

not relegated to file second appeal.

4. After notice, the respondents have filed the reply by submitting that respondent No.5 is resident of Sarangpada which is a part of Village Chandera

as certified by Surpanch, Gram Panchayat Chandera. Respondent No.5 has also filed the certificate issued by Gram Panchayat Chandera certifying

that she is resident of Sarangpada, Village Chandera. The voting card which is on record as Annexure P/6 in which also the Village is mentioned as

Chandera. Since the Gram Panchayat has certified that Sarangpada is a part of Gram Panchayat Chndera, therefore, the Additional Collector has

rightly dismissed the appeal.

5. Even otherwise, the Additional Collector has observed that the petitioner has failed to prove that the mark-sheet, domicile certificate, etc. submitted

by respondent No.5 are forged. Therefore, this Court cannot act as an appellate Court to examine the validity of the order passed by the Addl.

Collector. Learned Addl. Collector has followed the due procedure while deciding the appeal filed by the petitioner. No interference is called for under

Article 226 of the Constitution of India.

6. Accordingly, this petition fails and is hereby dismissed.