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**(2012) 09 SHI CK 0021**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 53 of 2010-A**

Smt. Chananoo Devi

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

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**Date of Decision :** 17-09-2012

**Acts Referred:**

**Citation :** (2012) 09 SHI CK 0021

**Hon'ble Judges :** Rajiv Sharma, J;Deepak Gupta, J

**Bench :** Division Bench

**Advocate :** Adarsh K. Vashishta, for the Appellant; Vivek Singh Thakur, Addl. A.G. with Mr. Vikas Rathore, Dy. A.G. for Respondents No. 1 to 5 and Mr. Neel Kamal Sood, Advocate, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Rajiv Sharma, Judge

1. Petitioner and respondent No. 6 participated in the selection process for filling up the post of Helper in Anganwari Centre, Shangla wag, Tehsil Chopal, District Shimla. They were interviewed on 13.8.2007. Petitioner was selected for the post in question. Petitioner's appointment was assailed by respondent No. 6. She received a letter dated 29.2.2008 from the office of C.D.P.O. that her services would be terminated with effect from 8.3.2008. Petitioner challenged order dated 29.2.2008 before the Divisional Commissioner by way of appeal. The Divisional Commissioner remanded back the matter to the Deputy Commissioner, Shimla. The matter was heard finally by the Additional Deputy Commissioner on 1.11.2008. Order was challenged by the petitioner before the Divisional Commissioner, Shimla. The Divisional Commissioner, Shimla set aside the order and remanded the matter to the Deputy Commissioner, Shimla. The Deputy Commissioner, Shimla passed impugned order on 17.11.2009 on the basis of the report furnished by the Sub Divisional Officer (Civil), Chopal dated 29.10.2009. According to the petitioner she belongs to village Shangla wag where the Anganwari Centre is situated. Case of the respondent-State is that petitioner in

fact belongs to village Dhar, Gram Panchayat, Charoli.

2. Petitioner has put strong reliance upon Annexures P-3, P-4 and P-5. It is clear from Annexure P-3 that the name of the petitioner is recorded in village Dhar, though it is also stated that she lives in village Shangla wag. According to Annexure P-4, petitioner's name is registered in village Dhar, Gram Panchayat Charoli, though she also owns Doghari in Gram Panchayat, Shangla wag. To similar effect is Annexure P-5. Petitioner has also placed strong reliance on Annexures P-6 and P-7. Annexure P-6 is dated 14.5.2008, though the interviews were held on 13.8.2007. In this certificate, petitioner has been shown to be resident of Shangla wag, Tehsil Chopal. Annexure P-7 relied upon by the petitioner is not dated. Thus, we cannot take cognizance of the same.

3. Mr. Neel Kamal Sood has drawn the attention of the Court to Annexure R-6/1, i.e. copy of Pariwar register of the petitioner. It is apparent to the naked eye that Shangla wag has been subsequently added in the Pariwar register. Petitioner could not substantiate before us that she belongs to village Shangla wag. She, in fact, belongs to village Dhar. There is a separate Anganwari Centre for village Dhar.

4. Petitioner has been heard by the Deputy Commissioner, Shimla before passing order dated 17.11.2009. The Deputy Commissioner has relied upon the report of the Sub Divisional Officer (Civil), Chopal dated 29.10.2009 while coming to the conclusion that she belongs to village Dhar. According to the scheme framed by the respondent-State for filling up the post of Anganwari Worker/Helper, a person must be the resident of village or ward where Anganwari Centre is located or belong to the feeding villages/wards of the Anganwari area. Since the petitioner neither belongs to Shangla wag nor any feeding village of Anganwari Centre, there is no illegality in the order of the Deputy Commissioner, Shimla whereby the services of the petitioner have been terminated. It has also come in the reply, to which no rejoinder has been filed by the petitioner, that her husband runs a Dhabba and also owns ten bighas of land. Petitioner is also getting Rs. 400/- per month as pension. Consequently, we see no merit in the petition and the same is dismissed. Pending application(s), if any, also stands disposed of. No costs.