
(2011) 09 SHI CK 0121
In the High Court Of Himachal Pradesh
Case No : CWP No. 2565 of 2011

Sumna Kumari

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 15-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0121

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Sanjay Karol, J.—The Petitioner has prayed for, inter alia, the following reliefs:

(i) That a writ in the nature of certiorari may be issued thereby quashing and setting the order Annexure P-1 dated 18.1.2011 passed by Additional District Magistrate, Bilaspur and Annexure P-2 dated 14.3.2011 passed by Divisional Commissioner, Mandi Division, Mandi, District Mandi, H.P.

(ii) That a writ in the nature of mandamus may be issued directing the Respondents to allow the Petitioner to work as Anganwari Worker in Anganbari Centre, Bala Changer for which she has been selected and appointment(sic - appointed).

2. Record perused and returned.

3. Record reveals that Villages Bala and Bala Changer are interchangeably used by the villagers/administrator, even though there is no village by the name of Bala Changer. Since population of this village is large, there are two Anganwari Centres in the Village. One is known by the name of Bala and the other is known as Bala Changer.

4. Process of selection for filling up the post of Anganwari Worker, at Anganwari Centre, Bala Changer was initiated. Petitioner Sumna Kumari applied, she was interviewed, selected and given appointment. Her appointment was challenged by private Respondent Meena Devi on the ground that even though she was

eligible her name was not considered. In terms of impugned orders dated 18.1.2011 and 14.3.2011 the authorities below have quashed order of appointment of Sumna Kumari on the ground that case of Meena Devi, who was otherwise eligible was not considered by the selection committee.

5. Record reveals that prior to initiation of the selection process, detailed door to door survey was got carried out by the authorities. Enumeration of the families/houses was carried out and entire village was divided into two territorial regions. Record further reveals that house of Sumna Devi fell within the feeder area, duly earmarked by the authorities, for Anganwari Centre, Bala Changer, whereas Meena Devi, though a resident of Village Bala, was residing in a house which was marked to fall within the feeding area of Anganwari Centre, Bala and not Bala Changer. Thus Meena Devi was not eligible for being considered for the post in question. This aspect of the matter was never considered by the authorities below. Hence an error is apparent on the face of record.

6. In this view of the matter, impugned orders dated 18.1.2011 passed by Additional District Magistrate, Bilaspur, H.P. in Case No. J-8/10 and 14.3.2011 passed by Divisional Commissioner, Mandi Division, Mandi, H.P. are quashed and order of appointment in favour of the Petitioner is upheld. Writ petition so also the pending application, if any, is disposed of.