

**IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR**

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ORDER

**Smt.Leela Kanwar
vs.
The State of Rajasthan & Ors.**

**S.B. CIVIL WRIT PETITION NO.1028/2003
UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA.**

DATE OF ORDER :: 22nd December, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Manoj Rathore, Advocate for the petitioners.
Mr.Rameshwar Dave, Dy. Govt. Advocate.
Mr.Chaitanya Gahlot, Advocate for the respondents.

BY THE COURT

The petitioner has challenged the appointment of respondent No.6 on the post of Anganwadi Worker and has further prayed that the respondents be directed to make

proper selection on the said post as per the guidelines and the rules.

According to the petitioner, one of the essential eligibility requirements for appointment on the post of Anganwadi Worker is that the candidates should be resident of the same village. The petitioner was not only resident of the same village but had passed out secondary examination. The Development Officer directed Bhanwar Lal, Head Master of Government School, Taal was entrusted with the task of holding meeting of the Gram Sabha. When originally the meeting was held there were certain disputes and therefore Sarpanch was directed to convene another meeting of Gram Sabha.

The respondents have contested the writ petition and denied that she was resident of village Kallagun. Affidavit of mother of Smt.Lata Kanwar (respondent No.6) has been produced to substantiate that even though she (the respondent No.6) was her married daughter but she had not moved away from village and she was residing with her and was very much

resident of village Kallagun. It is submitted that meeting was convened in the office of CPDO which office was in fact held by BDO and therefore in fact BDO himself was present in the meeting where the respondent No.6 was selected. It was asserted that while the petitioner had passed secondary school with IIIrd Division and that too with grace marks, the respondent NO.6 was more meritorious than her having IInd Division and therefore she was placed at serial No.1 in the panel. It is therefore prayed that the writ petition be dismissed.

Having considered the arguments advanced by learned counsel for the parties and perused the material on record, I find that respondent No.6 who has been selected was more meritorious than the petitioner and when the respondents have asserted that the meeting was convened in the presence of CPDO, allegation of the petitioner that such meeting was not convened cannot be accepted. It also cannot be accepted that just because respondent No.6 was married, she would cease to be resident of village Kallagun particularly when it is being asserted that she is residing with her mother who does not

have any male issue.

In the result, the writ petition is dismissed with no order as to costs.

[MOHAMMAD RAFIQ],J.

AKC