

**CWP No.1537 of 2007.**

31.10.2008. Present: Mr.A.K. Dhiman, counsel for the petitioner.  
Mr.Rajesh Mandhotra, Dy.A.G., for respondents No.1 to 4.

**CMP No.3071 of 2008:**

For the reasons stated in the application, the same is allowed and the writ petition is restored to its original number. The application stands disposed of accordingly.

**CWP No.1537 of 2007:**

This writ petition has been filed by the petitioner challenging the appointment of respondent No.5 Meena Kumari as Anganwari Worker in Anganwari Centre Majra Fatehpur-II. It is not disputed that as per the merit list prepared by the Committee constituted to select the candidates, the petitioner Harjeet Kaur wife of Shri Sanjay Kumar was selected to be appointed as Anganwari Worker in Anganwari Centre Fatehpur-II, Gram Panchayat Majra. The petitioner alleges that despite her selection, respondent No.5 Meena Kumari was appointed as Anganwari Worker.

Reply has been filed by the State. In the reply, it is stated that after the selection of the petitioner, a complaint was received from Meena Kumari to the effect that the petitioner and her husband had separated from joint family w.e.f. 18.2.2007 and, therefore, the petitioner had misled the Selection Committee. On the complaint of Meena Kumari, a notice was issued by the CDPO to the petitioner to explain when her family had separated. A reply to the said notice was given but no order appears to have been passed on the said notice.

We are of the view that the CDPO does not appear to have properly understood the purport of the Scheme. The Anganwari Scheme clearly provides that the separation from the family should be prior to

1.1.2004. Therefore, even if the separation had taken place in 2007, that will have no effect on the merits of the case. We are also of the opinion that no proper inquiry was held and in fact it was not the CDPO who could have held the inquiry. As per the Anganwari Scheme, if any party is aggrieved by any order, the appeal is to be filed to the Deputy Commissioner. Once the selection is made, it was the Deputy Commissioner who could have entertained the complaint of respondent No.5 Meena Kumari. The CDPO could not have entertained such complaint.

In view of the above discussion, we allow the writ petition and direct that respondent No.4 shall forward the complaint of Meena Kumari to the Deputy Commissioner, Sirmaur, who shall issue notice to the petitioner and Meena Kumari, and after hearing both the parties shall decide the rival contentions of the parties on merits. The petitioner may produce a certified copy of this order before the Deputy Commissioner, Sirmaur, who shall endeavour to decide the complaint filed by Meena Kumari and the complaint, if any, filed by the petitioner against the appointment of Meena Kumari within a period of two months thereafter. The petition stands disposed of in the aforesaid terms. No orders as to costs.

In view of the final disposal of the main petition, all the pending miscellaneous application(s), if any, shall also stand disposed of.

**(Deepak Gupta),  
Judge.**

**October 31, 2008.  
(TILAK)**

**(V.K. Ahuja),  
Judge.**

