

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA
ON THE 29th DAY OF APRIL, 2022
BEFORE
HON'BLE MR. JUSTICE AJAY MOHAN GOEL
CIVILT MISC. PETITION MAIN (ORIGINAL) NO. 127 OF
2022

Between:

NEELAM KUMARI, W/O SH.
DEEPAK KUMAR, R/O VILLAGE
DANDA PAGAR, P.O. RAJPUR,
TEHSIL POANTA SAHIB,
DISTRICT SIRMOUR, HP.

....PETITIONER.

(BY MR. DEVENDER K. SHARMA, ADVOCATE)

AND

1. STATE OF HIMACHAL
PRADESH THROUGH ITS
SECRETARY SOCIAL JUSTICE
AND EMPOWERMENT SHIMLA.

2. DEPUTY COMMISSIONER
SIRMOUR, DISTRICT SIRMOUR,
HIMACHAL PRADESH.

3. THE SUB DIVISIONAL
MAGISTRATE, PAONTA SAHIB,
DISTRICT SIRMOUR, HP.

....RESPONDENTS.

(BY MR. ARVIND SHARMA, ADDITIONAL ADVOCATE
GENERAL WITH MR. SUNNY DHATWALIA, ASSISTANT
ADVOCATE GENERAL FOR THE RESPONDENT-STATE).

Whether approved for reporting?¹ No

*This petition coming on for orders this day, the Court passed the
following:*

J U D G M E N T

By way of this petition, filed under Article 227 of the Constitution of India, a prayer has been made by the petitioner for issuance of a direction to respondent No.3 to submit the inquiry report regarding the income certificate of one Smt. Promila Devi within a time bound manner.

The contention of the petitioner is that she had applied for the post of Anganwadi Worker at Anganwadi Centre Pagar 1, Panchayat Danda Pagar, under CDPO Block Paonta Sahib, District Sirmour, H.P., against which one Smt. Promila Devi, (who has not been impleaded as a party respondent in the present proceedings) was selected. Feeling aggrieved, she filed an appeal. In the said appeal, after the issuance of notice, respondent No.2 ordered respondent No.3 to make an inquiry qua the income certificate of the selected candidate. The report so submitted by respondent No.3, was objected to by the selected candidate and respondent No.2, again directed respondent No.3, to re-examine the said issue. Yet, till date report after re-examination has not been submitted by respondent No.3 to respondent No.2.

Though this Court has serious apprehension with regard to the maintainability of this petition under Article 227 of the Constitution of India, however, taking into consideration the innocuous prayer which has been made by the petitioner in this petition, the same is being disposed of with the direction that the inquiry report in issue be submitted by respondent No.3 to

respondent No.2 within a period of two months from today. It is clarified that the disposal of the present proceedings by issuance of a direction to respondent No.2 should not be construed that this Court has concluded that such like petitions are maintainable under Article 227 of the Constitution of India. Pending miscellaneous application(s), if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

April 29, 2022
(*vinod*)