2024:CGHC:28344

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 4060 of 2014

Smt.Tara Gupta W/o Shiv Gupta Aged About 33 YearsR/o Village Amdari Post Office Rajpur Tahsil And P.S. Rajpur Civil And Revenue Distt. Balrampur C.G., Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh And Ors. S/o Through The Secretary, Department Of WomenAnd Child Development Department, Mantralaya Mahanadi Bhawan, New Raipur, P.S. Rakhi Distt. Raipur C.G., Chhattisgarh
2. Commissioner, Sarguja Division Ambikapur Distt. Surguja C.G., District : Surguja(Ambikapur), Chhattisgarh
3. Th Collector Surguja Cg
4. The Project Officer Woman And Child Develoopment Project Rajpur Distt. Balrampur Cg
5. Chief Executive Officer Janpad Panchayat Rajpur Distt. Balrampur Cg
6. Smt. Sarita Yadav W/o Santosh Yadav Aged About 32 YearsR/o Village Amdari Post Office Tahsil And P.S. Rajpur Civil And Revenue Distt. Balrampur C.G. , District : Balrampur, Chhattisgarh

---- Respondents

(Cause-title is taken from Case Information System)

For Petitioner	:	Mr. Bharat Sharma, Advocate holding brief of Mr. Manoj Paranjpe, Advocate.
For State	:	Mr. Atanu Ghosh, Dy. G. A. along with Mr. Pranjal Shukla, Advocate.
For Respondent No. 5	:	Mr. Sushobhit Singh, Advocate.
For Respondent No. 6	:	Mr. A. K. Yadav, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

31.07.2024

1. By way of this petition, the petitioner has sought the following relief(s):-

> **10.1]** It is submitted that the Hon'ble Court may kindly be pleased to issue writ/writs. order/orders. direction/directions, to the respondent authorities and the impugned order dated 16.06.14 (Annex.P-1) passed by the respondent no. 2, in Revenue Appeal Number 02/8-121/2012-13 may kindly be quashed and consequently the respondents may kindly be directed to appoint the petitioner as Anganbadi Worker at

Anganbadi Centre - Yadavpara, Gram Panchayat Amdari, Janpad Panchayat Balrampur (C.G.). Rajpur, District.

10.2] It is submitted that the Hon'ble Court may kindly be pleased to call for the entire record from the possession of the respondent authorities, in respect of the present case.

10.3] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.

2. Mr. Bharat Sharma, the learned counsel for the petitioner submitted that an advertisement dated 18.10.2010 was issued by The Project Officer, Women and Child Development Project Rajpur, District Balrampur/respondent No. 4 for the post of Anganwadi Worker. The petitioner as well as respondent No. 6 submitted their applications. He further submitted that the petitioner had annexed her BPL card to the application form and the receipt was issued by the authority in this regard which depicted her as a BPL card holder and the same was placed on record. He also submitted that when the merit list was prepared, no weightage was given by the authorities pertaining to the BPL card. He argued that respondent No. 6 was appointed to the post of Anganwadi Worker in Anganwadi Centre-Yadavpara, Gram Panchayat-Amdari, Janpad Panchayat-Rajpur, District-Balrampur. He further argued that the appointment order issued in favour of respondent No. 6 was challenged before the Collector, District-Balrampur, who vide order dated 27.12.2011 set aside the appointment order and directed the concerned authority to give an appointment to the petitioner. Thereafter, respondent No. 6 preferred an appeal before the Divisional Commissioner, Sarguja, who set aside the order passed by the Collector vide order dated 16.06.2014. He also argued that the BPL card which was placed on record along with the application form was not taken into consideration by the authorities and thus, the Divisional Commissioner, Sarguja committed an error of law by allowing the appeal so preferred by respondent No. 6.

3. On the other hand, Mr. A. K. Yadav, the learned counsel appearing on behalf of respondent No. 6 would oppose. He submitted that the BPL card was placed on record and when objections were invited, the very document was not submitted by the petitioner along with the application form, therefore, her objection was not considered by the authorities. He further submitted that respondent No. 6 is also a BPL cardholder and her BPL card was also not taken into consideration.

4. Mr. Atanu Ghosh, Dy. G. A. appearing for the State submitted that the BPL card is part of the record and was placed by the petitioner before the authorities. He also submitted that the merit list shows that no weightage was given to the petitioner with regard to the submission of the BPL card.

5. Mr. Sushobhit Singh, the learned counsel appearing on behalf of respondent No. 5 would support the order passed by the Divisional Commissioner, Sarguja.

6. I have heard learned counsel appearing for the parties and perused the documents placed on the record.

7. The limited question involved in the present case is whether the BPL card was submitted by the petitioner before the authorities along with the application form and whether any weightage was given to it or not.

8. From a perusal of the documents placed on record, it is quite vivid that the receipt dated 02.11.2010 was issued in the name of Smt. Tara Bai which shows that a BPL card was also filed by her along with the application form. The merit list would show that no weightage was given to the BPL card whereas according to the policy document, the petitioner or any candidate having a BPL card would get a certain weightage.

9. Taking into consideration the submissions made by the learned counsel appearing on behalf of the respective parties and the material available on record, in the opinion of this Court, the orders passed by the Collector, District-Balrampur and Divisional Commissioner, Sarguja are not sustainable in the eyes of law, therefore, the orders dated 27.12.2011 and 16.06.2014 are hereby set aside and the matter is remitted back to the recruiting authority to consider the BPL cards submitted by petitioner as well as respondent No. 6 strictly in accordance with law and based on merit, the authority is directed to issue the order of appointment. The petitioner is also directed not to place any new document on record.

10. It is informed that respondent No. 6 is still working on the post of Anganwadi Worker; therefore, till the entire exercise is completed, respondent No. 6 shall continue to work on the said post. It is expected that the authority concerned shall complete the entire exercise within a period of 3 months from today.

11. It is made clear that this Court has not expressed any opinion on the merits of the case.

12. Accordingly, the present petition stands **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Ajinkya