

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

Writ Petition No.20120/2017

(Ms. Reena Khedekar Vs. State of M. P. and Others)

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Indore, dated 16/04/2018

Shri Manuraj Singh, learned counsel for the petitioner.

Shri Umesh Gajankush, learned Deputy Advocate General for the respondent/State.

The petitioner before this Court is aggrieved by order dated 31/10/2017 and 18/10/2017 by which his services have been put to an end by Collector, Khargone.

02- The facts of the case reveal that an advertisement was issued inviting application for the post of Anganwadi Worker on 14/10/2016. the petitioner was selected for the post of Anganwadi Worker, however, a complaint was made by respondent No.3 before the Collector and the Collector has passed the impugned order by assigning the reason in the impugned order that the petitioner's father is a Panchayat Secretary. The question before this Court is that whether the reason assigned by the Collector, disqualifies the petitioner for grant of appointment as Anganwadi Worker or not.

03- Paragraph No.4 of policy relating to appointment of Anganwadi Worker dated 10/07/2007 (Annex.-P/8) reads as under:-

“(4) चयनित की जाने वाली आंगनवाड़ी कार्यकर्ता को ना तो स्वयं सरकारी कर्मचारी / अधिकारी अथवा पंचायती राज संस्थाओं / नगरीय निकायों के निर्वाचित अथवा मनोनीत सदस्य होना चाहिये और ना ही चयन प्रक्रिया से प्रत्यक्ष संबंध रखने वालों की सेगे संबंधी होना चाहिये ।

सगे संबंधियों से अभिप्राय, माता, पिता, भाई, बहन, पति, पत्नि, पुत्र-पुत्री एवं पुत्र-वधु ।”

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The aforesaid paragraph in the policy provides that the person who has applied for the post of Anganwadi Worker should not be government servant nor any officer under the Panchayati Raj System. The petitioner is neither government servant nor an employee under the Panchayati Raj System. The aforesaid clause provides that no person relating to the applicant should be member of the selection committee.

04- The constitution of selection committee is provided under clause स-2-(चयन समिति) and the same reads as under:-

“स-2-चयन समिति:-

चयन समिति द्वारा प्राप्त आवेदनों का परीक्षण आवेदन प्राप्ति की अंतिम तिथि से 10 दिवस के अंदर कर मेरिट लिस्ट के आधार पर अनन्तिम सूची तैयार की जावेगी। यदि चयन समिति द्वारा 10 दिवस के भीतर अनन्तिम सूची तैयार नहीं की जाती है, तो कलेक्टर द्वारा अनन्तिम सूची जारी की जा सकेगी। चयन समिति में संबंधित परियोजना के निम्नानंकित सदस्य सम्मिलित होंगे:-

- 1 अनुविभागीय दण्डाधिकारी (एस डी एम) — अध्यक्ष
- 2 बाल विकास परियोजना अधिकारी — सचिव
- 3 ग्रामीण परियोजना के लिये मुख्य कार्यापालन अधिकारी जनपद पंचायत एवं शहरी परियोजना के लिये नगरीय निकाय के प्रमुख प्रशासकीय अधिकारी — सदस्य
- 4 ग्रामीण परियोजना के लिये जनपद पंचायत की एवं शहरी परियोजना के लिये नगरीय निकाय की स्वास्थ्य एवं महिला बाल विकास समिति का अध्यक्ष — सदस्य
- 5 ग्रामीण परियोजना के लिए अध्यक्ष जनपद पंचायत द्वारा नामांकित जनपद पंचायत की एक महिला जनपद सदस्य एवं शहरी परियोजना — सदस्य

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के लिए नगर पालिका अध्यक्ष/महापौर
द्वारा नामांकित एक महिला पार्षद

05- The petitioner's father is a Panchayat Secretary. He is certainly not a member of selection committee and therefore, as per the policy governing the field, the petitioner is certainly entitled for selection on the post of Anganwadi Worker and the learned Collector has cancelled the appointment of the petitioner by passing an order dated 24/03/2017.

06- In the considered opinion of this Court, the order passed by the Collector, as it has not been passed in consonance with the policy issued on the subject, deserves to be quashed and therefore, order dated 31/10/2017 and 18/10/2017 are hereby quashed. The writ petition stands allowed. The petitioner shall be entitled for all consequential benefits except back wages.

Certified copy as per rules.

(S. C. SHARMA)
J U D G E

Tej