



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

S.B. Civil Writ Petition No. 1815/2017

Bhawna Bohra W/o Shri Bharat Kumar, R/o Darwaje Ke Pass,
Bhandar, Tehsil- Bali, District- Pali.

-----Petitioner

Versus

1. State Of Rajasthan Through The Collector, Pali.
2. The Deputy Director, Integrated Child Development Scheme, Pali.
3. The Project Officers, Integrated Chind Development Scheme, Pali.
4. Vikas Adhikari, Pali
5. Sarpanch, Gram Panchayat, Panchayat Samiti Bali, District-Pali Raj.

-----Respondents

For Petitioner(s) : Mr. Hardik Gautam.

For Respondent(s) : None.

HON'BLE MR. JUSTICE ARUN MONGA
Order (Oral)

13/11/2024

1. Petitioner, an aspirant for the post of Anganwari Worker, is before this Court assailing the inaction on the part of the Gram Panchayat, Bhandar-I, Tehsil Bali, District Pali (respondent No.5) in not conveying the selection list within three months to the competent authority. Said inaction thus resulted in non-issuance of the appointment letter to her, despite her being declared as the most meritorious candidate in the select list, wherein she was at Sr. No.1.

2. Briefly speaking, relevant facts as pleaded in the petition are as follows :

2.1 The respondent No. 2 issued a notification dated 09.06.2016 inviting applications for appointment as Anganwadi Worker as per the State Government policy for appointments to the posts of



Anganwadi Worker, Assistant, etc., in various Gram Panchayats, including Bhandar-I, Tehsil Bali, District Pali. The petitioner applied for the same.

2.2 There were a total of 21 candidates, but only three candidates were found eligible. Out of the three, only the petitioner was selected as per resolution passed by the Gram Panchayat vide its Resolution No.3 in the meeting held on 28.11.2016. After the selection, the Gram Panchayat recommended the petitioner to respondent No.2 vide a letter dated 29.11.2016.

2.3 Instead of issuing appointment letter to the petitioner, respondent No.3 issued a fresh advertisement dated 04.01.2017, again inviting applications for the appointment on the same post of Anganwadi Worker in the Gram Panchayat, Bhandar-I. Hence, this petition.

3. In the counter affidavit on behalf of the respondents No.1 to 3 stand taken, inter-alia, is that since the Gram Panchayat did not comply with the Circular dated 23.07.2015 (Annex.R/1), Clause 1(A)(ix), which mandates that once the selection list is prepared, the same shall be conveyed by the Gram Panchayat within three months from the date of issuance of circular *ibid*.

4. In the aforesaid backdrop, I have heard learned counsel for the petitioner and have perused the case file.

5. Sum and substance of the controversy before this Court lies in a very narrow compass i.e. whether the petitioner can be put to adverse consequences for inaction on the part of the Gram Panchayat ?

5.1 Answer clearly is in the negative. Reasons are not far to seek. Let us see how.



5.2 First and foremost, the case of the petitioner and the corresponding stand taken qua the same is culled out in paras No.3 & 4 of the writ petition and likewise, the corresponding response filed thereto. For ready reference paras No.3 & 4 of the writ petition and corresponding response thereto are reproduced herein-below :-

*“3. That the petitioner being fully eligible for the post of Anganwari Worker, applied for the same. There were in all 21 candidates as per meeting of the committee of the Gram Panchayat took place on 28.11.2016 for consideration of application forms for appointment to the post of Anganwari Worker. In that meeting, all the applications were considered and three candidates were found eligible. But as per policy, the Gram Panchayat resolved that the petitioner s eligible and selected on the basis of her age. This resolution was passed by the Gram Panchayat in resolution No.3 of the meeting dated 28.11.2016. A copy of the resolution of the Gram Panchayat dated 28.11.2016 is submitted herewith and marked as **Annexure-2**. After selection of the petitioner, Gram Panchayat Bhandar recommend to the respondent No.2 vide letter dated 29.1.2016 and a copy of the said letter is submitted herewith and marked as **Annexure-3**.*

*4. That though the petitioner was selected for being appointed on the post of Anganwari worker and her recommendation was also sent by the Gram Panchayat vide letter dated 29.11.2016 yet appointment of the petitioner has not been made. Instead of that, the respondent No.3 issued a fresh advertisement dated 4.1.2017 again inviting applications for appointment to the post of Anganwari Worker in Gram Panchayat Bhandar-I. A copy of the notification dated 4.1.2017 is submitted herewith and marked as **Annexure-4**.*

Corresponding response :

3. That the averments made in para No.3 of the writ petition relates to the Gram Panchayat, Bhandar, Panchayat Samiti Bali, District Pali (respondent No.5) and hence need no comments from the answering respondents. However, it is submitted that neither the letter dated 29.11.2016 alleged to be sent by Gram Panchayat, Bhandar nor any recommendations in the manner provided under Clause 1(A) (ix) of the said Circular dated 23.07.2015 has been received by the respondent No.4 C.D.P.O. Bali till today.

4. That the averments made in para No.4 of the writ petition are not admitted in the manner stated. It is submitted that as already stated supra since Clause 1(A)(ix) of the said



circular dated 23.07.2015 lays down that the Gram Sabha after making the selection of the most eligible woman in accordance with the guidelines shall send the resolution to Vikas Adhikari and C.D.P.O. on the same day and recommendation of Gram Sabha shall be sent in the prescribed form Annexure-C with applications of the applicants in Annexure-A, Evaluations of merits of applicants in Annexure-B along with the certified copy of Resolution of Gram Sabha. It is further submitted that Clause 1 (A)(x) of the said circular dated 23.07.2015 lays down that the whole procedure for filling the vacant post shall be completed by the Gram Panchayat within 3 months from the date of issuance of the Notification issued for filling the vacant posts and since no recommendations in respect of holding the meeting and passing the resolution for filling the said post of Anganwadi Karyakarta in Anganwadi Centre Bhandar-I was received within 3 months from the date of Notification dated 9.6.2016 Annex.1, therefore, the fresh Notification inviting applications for filling the said post has been issued by the answering respondent on 4.1.2017 Ann.4 and the same is in accordance with the provisions of Circular dated 23.7.2015.”

5.3 A perusal of the above reveals in no manner of doubt that the entire blame has been shifted by the respondents No.1 to 3 on the Gram Panchayat for not sending a list within three months.

5.4 As regards the Gram Panchayat i.e. respondent No.5 despite opportunity, no response has been filed. In the premise, it would be safe to assume that the factual averments contained therein are deemingly admitted by the Gram Panchayat.

6. In the premise, what emerges is that there is no dispute with regard to eligibility of the petitioner and/or otherwise being meritorious. I am of the opinion that the petitioner cannot be denied of performance of her merit merely for a procedural aid and ministerial lapse on part of the Gram Panchayat.

7. Accordingly, the writ petition is allowed with a direction to the respondents that subject to availability of post as on today, the petitioner's candidature shall be considered for appointment within a period of 30 days. However, in case, no post is available,



her candidature shall be considered without making her participate in the selection process on the next vacancy becoming available in future.

8. It transpires that at the time of selection, petitioner was 32 years and during the pendency of the writ proceedings she has exceeded the upper age limit of 35 years. Since it has already been held that it is not the petitioner who is responsible for delay in her appointment and the respondents themselves are blameworthy, in the peculiar premise, it is directed that the petitioner shall be given age relaxation as and when her candidature is considered for the appointment on the post of Anganwari Worker in terms of this order.

(ARUN MONGA),J

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Whether fit for reporting : Yes / No