



**IN THE COURT OF DIVISIONAL COMMISSIONER,  
JAMMU**

**Present: (Dr. M.K. Bhandari)IAS**

File No.  
50/Revision  
2017-18

Date of Institution  
27-7-2017

Date of Decision.  
10-07-2018

**Rekha Rani Age (35 yrs.)  
W/o Shri Tilak Raj  
R/o Village Marri Sater Nallah  
Tehsil Pouni District Reasi**

**Petitioner**

**Versus**

1. Deputy Commissioner, Reasi
2. CDPO Pouni
3. Usha Sharma, D/o Sh. Jagdish Raj  
R/o Vill. Marri Nallah  
At Present:  
Vill. Jerri, Tehsil & District Reasi.

**Respondents**

In the matter of: Revision petition against the order dated 15-07-2017 passed by respondent No. 1, in case file No. 19/DC/Rsi/Aug whereby allowing the illegal provisional selection/ engagement of respondent No. 3 as Anganwari Worker.

Prayer for setting aside the order impugned dated 15-07-2017 passed in File No. 19/DC/Rsi/ Aug in the interest of justice.

**Order**

1. The brief facts of the case are:

- i. An advertisement notice for the selection of Anganwari Worker for AWC Sater Nallah W. No. 2 Panchayat Halqa Kanha by CDPO Pouni was issued on 26-06-2010.

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- ii. Other candidates including both the parties herein applied for the said post. Respondent No. 3 herein was provisionally selected for the post of Anganwari worker for AWC, Sater Nallah W. No. 2.
  - iii. Feeling aggrieved of the selection of Respondent No. 3 petitioner (Rekha Rani) filed appeal against the order of provisional selection of Respondent No. 3 (Usha Sharma) issued by CDPO Pouni before Deputy Commissioner, Reasi on the grounds that:
    - a) Usha Sharma is not the resident of Ward No. 2 Sater Nallah and is residing with her in-laws at village Jerri which is located at a distance of 40 kms from the location of Anganwari Centre.
    - b) That the appellant (Rekha Rani) is more meritorious in academic than the respondent.
2. DC Reasi, vide order dated 15-07-2017, dismissed the appeal and upheld the provisional selection of Respondent No. 3 herein. Petitioner has challenged the order of Deputy Commissioner, Reasi dated 15-07-2017 by way of the present revision petition.
3. The grounds taken are as follows:
- i) That the order impugned dated 15-07-2017 is bad in the eyes of law, has been passed by the respondent No. 1 in hot haste manner without application of mind and is against the settled position of law.
  - ii) That as per Clause 3 (e) of Government Order No. 07-SW of 2010 dated 18-01-2010, the candidate should belong to the Hamlet where the Anganwari Centre is located. If a suitable candidate is not available in that Hamlet, the candidate should be selected from the Revenue village of which the said Hamlet is a part. Likewise, if no suitable candidate in that Revenue village, a candidate from the adjoining Revenue village shall be selected on the basis of inter-se-merit.

In the present case, the petitioner who is daughter-in-law of the village is the permanent resident of Sater Nalla Ward No. 2, Panchayat Halqa Kanha Tehsil Pouni District Reasi where the Anganwari Centre is located and Respondent No. 3 who is admittedly the daughter of the village and was the resident of same Mohalla/ Hamlet but was married at the time of filling of the form as such, the Learned Deputy Commissioner, Reasi has

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committed an illegality while passing the order dated 15-07-2017 without first deciding the legal question.

**"Whether a married woman/ daughter is eligible to file the application form"**

- iii) That the respondent No. 1 has not appreciated the evident in the right perspective. It is respectfully submitted herein that when it was established on evidence that the respondent No. 3, who is a married woman in the resident of village Jerri which is around 40 kms away from the location of the Anganwari Centre as such the Respondent No. 3 became ineligible person to even apply for the post in question being the resident of another Hamlet.
4. The case came up for hearing. Counsels for both the parties are present. Counsel for petitioner pleaded the grounds taken in the memo of petition and further contended that Respondent No. 3 was not the resident of that Hamlet wherein the Anganwari Centre was existing at the time of interview for the said post. Whereas, on the other hand, the counsel for Respondent No. 3 contested that the eligibility criteria is to be considered at the time of submission of applications, and that the respondent No. 3 was a resident of the said Hamlet at the time submission of application forms, which was the basis for her eligibility and selection. He further submitted that respondent has already been appointed and is serving in the Anganwari Centre.
5. I have heard the counsel for both the parties. Record has been examined. The dispute between the parties is with regard to selection of Anganwari Worker for Anganwari Centre Sater Nailah W.No. 2 Panchayat Halqa Kanha, whereby respondent no. 3 was provisionally selected and Deputy Commissioner, Reasi in the appeal filed before him against that provisional selection has upheld the selection of respondent no. 3 and dismissed the appeal of petitioner herein.
6. The main contention of the petitioner is with regard to residence of respondent no. 3 wherein, the petitioner has claimed that though respondent was the resident of Ward No. 2 but she got married in 2009 i.e. before issuance of notification/ advertisement dated 26-06-2010 and has contended that she is not eligible for the post.
7. The other contention of the petitioner is with regard to his higher academic merit than the respondent No. 3. However, from the record it has been found that petitioner herein has secured 40.96 marks and the respondent obtained 52.53 marks. Therefore, this contention of the petitioner has been found to be baseless.

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8. It is to be mentioned that from the record, it has been found that the issue of marriage of Respondent No. 3 had also been considered in the appeal before Deputy Commissioner, Reasi and there is a mention of this issue in the order impugned. Objections filed by CDPO, Pouni before Deputy Commissioner, Reasi show that respondent No. 3 was unmarried at the time of filing of application for the said post.
9. However, the petitioner has taken the same ground in the revision petition in hand also, and has agitated that while deciding this issue before Deputy Commissioner, Reasi, not even an iota is referred about the evidence produced by her that the marriage of the respondent No. 3 was solemnized in 2009. The impugned order is unequivocal in stating that the respondent was unmarried at the time of applying for the post of Anganwari worker. Even as part of the petition before this Court, the petitioner has not produced any documentary evidence supporting the claim that the respondent No. 3 herein was married at the time of submission of application forms. The record of the court below, upon perusal, also does not bring out any evidence in support of the above claim of the petitioner. Hence, this plea cannot be considered. Since, the eligibility is to be determined as on the date of submission of application forms, there is no merit in contesting the eligibility of the respondent herein, who has been selected based on her eligibility at the time of submission of application forms.
10. In view of what has been discussed about this Court has come to the conclusion that the order passed by the Court below does not suffer from any infirmity and thus needs no interference by this court. Hence the revision petition in hand being devoid of merit is dismissed.
11. A Copy of this order along with record file be sent to Deputy Commissioner, Reasi for information and further necessary action.
12. Stay issued, if any, by this Court is hereby vacated. The case file be consigned to records after due completion.

  
(Dr. M.K. Bhandari) IAS  
Divisional Commissioner,  
Jammu

**Announced**