



In the Court of Additional Commissioner, Jammu  
(With the powers of Divisional Commissioner)  
(Rail Head Complex, Jammu)

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**File No.**

**94/Revision 2017-18**

**Date of Institution**

**22-11-2017**

**Date of Decision**

**07/07/2021**

Meena Devi D/o Karan Singh R/o Village Kohag (Mohra Ghar) Block Lohai Malhar,  
Tehsil Billawar and District Kathua

**....Petitioner**

**Versus**

1. Geeta Devi W/o Amrik Singh R/o Village Kohag, Block Lohai Malhar, Tehsil Billawar and District Kathua
2. Deputy Commissioner (Collector), Kathua
3. District Programme Officer, ICDS Project, Kathua
4. Child Development Project Officer, Lohai Malhar, Billawar, Kathua
5. Convener, Selection Committee for Angarwari Worker, Lohai Malhar, Billawar, Kathua
6. Tehsildar, Billawar, Kathua

**..Respondents**

7. Sarpanch, Panchayat Halqa Khag, Tehsil Billawar, Kathua
8. Karan Singh F/o Meena Devi R/o Village Kohag (Mohra Ghar) Block Lohai Malhar, Tehsil Billawar District Kathua

**....Proforma Respondents**

**In the matter of:**

Revision under Govt. order No. 07 SW of 2010 dated 18.01.2010 against the order passed by the Respondent No. 2 dated 08.09.2017 in file No. DCK/Reader/327 titled Geeta Devi Vs. Programme Officer, ICDS, Project Kathua and Ors., whereby the appeal filed by the Respondent No. 1 under Govt. order No. 07 SW of 2010 dated 18.01.2010 against the order No. CDPO/LM/2011-12/1008-09/12 dated 02.03.2012 of Respondent No. 4 (whereby selection of the Respondent No. 1 for the post of Anganwadi Worker in Anganwadi Centre, Ghar, Mohra Ghar of Panchayat Kohag in ICDS Project Lohai Malhar was cancelled) and the order No. CDPO/ICDS/LM/2011/2012/1013-16/12 dated 03.03.2012 of Respondent No. 4 (whereby the Petitioner had been engaged as Anganwadi Worker in Anganwadi Centre Ghar, Mohra Ghar of Panchayat Kohag in ICDS Project Lohai Malhar) have been quashed and the Respondent No. 3 is directed to implement the Selection List vide endorsement No. DIP/J-10454/11 and to set aside the same.

**ORDER**

The brief facts of the case are that the respondent No. 3 vide advertisement No. POK/ICDS/2010-11/421-40/10 dated 03.07.2010 published vide No. DIP/J-4502/10 sought applications for the posts of Anganwadi Workers for different

file.



Anganwadi Centres in District Kathua. In the said advertisement notice, the post of Anganwadi Worker for the Anganwadi Centre, Ghar, Panchayat Kohag of Block Lohai Malhar, Tehsil Billawar, District Kathua was also advertised at S. No. 97. The Petitioner being the resident of the Hamlet Ghar and fulfilling all the eligibility criteria and qualifications mentioned in the said advertisement, applied for the said post. The Petitioner, as also the other candidates, interviewed for the said post and a provisional select list was issued by the Respondent No. 4 and name of the Petitioner was not figuring in the said list and the Respondent No. 1 was shown as provisionally selected candidate for the post of Anganwadi Worker for Anganwadi Centre Garh, the said provisional selection list was subject to verification of original documents of the candidates such as resident certificate of the hamlet. It has been alleged that the Respondent No. 1 is not the actual resident of Mohra/Hamlet Ghar but of Mohra/Hamlet Sarah and soon after the provisional select list was published, the Petitioner challenged selection of the respondent No. 1 on the said basis before the Respondent No. 4 and an enquiry for the same was conducted by the said official Respondents. During the course of the said enquiry, the Respondent No. 1 approached the Hon'ble High Court vide SWP No. 1142/2011, which was decided vide order dated 07.06.2011 in which the Hon'ble High Court directed the Respondent No. 4 herein to process the selection of the Anganwadi Worker for Anganwadi Centre, Ghar within a stipulated time period. On the complaint of the Petitioner against the provisional selection of Respondent No. 1 it was found that the actual residence of respondent no. 1 was Mohra Sarah and not Mohra Ghar and the respondent No. 4 vide order No. CDPO/LM/2011-12/1008-09/12 dated 02.03.2012 cancelled the provisional selection of the Respondent No. 1 and the Petitioner was engaged as Anganwadi Worker for Anganwadi Centre, Ghar vide order No. CDPO/ICDS/LM/2011/2012/1013-16/12 dated 03.03.2012.

Consequent to that the Respondent No. 1 challenged the engagement of the Petitioner as Anganwadi Worker for Anganwadi Centre as per Govt. order No. 07-SW of 2010 dated 18-01-2010 before the Respondent No. 2 in the year 2012. Since the Respondent No. 2 was not deciding the appeal of the Respondent No. 1 within the stipulated time period (as alleged by her), she approached this Court through the medium of revision petition as per Govt. order No. 07-SW of 2010 dated 18-01-2010 which was dismissed vide order dated 15.10.2016 being premature and non-maintainable and directed the Respondent No. 2 to decide the same within a period of 15 days from the date of receipt of the order of the revision. Thereafter, the Respondent No. 2 in a hasty manner decided the appeal of the Respondent No. 1 vide order dated 08.09.2017 based on the report of the SDM Billawar bearing No. SDM/Bill/2011-12/571 dated 17.10.2011 and overlooking the report of the Respondent No. 4 herein bearing No. CDPO/LM/289-298/2012 dated 13.08.2012. Deputy Commissioner, Kathua vide order dated 08/09/2017 has set aside the selection and engagement of petitioner, whereas the selection of respondent no. 1 herein was upheld. Aggrieved of this order the petitioner filed revision petition before this Court wherein the operation of the order impugned dated 08/09/2017 passed by Deputy Commissioner Kathua was stayed till filing of objections from other side.

for



During the pendency of this case, the petitioner herein filed writ petition SWP No. 408/2018 with MP No. 1/2018 before the Hon'ble High Court and the Hon'ble Court while disposing of the writ petition has observed as under:-

**"4. It was appropriate for the Petitioner to have filed an application before the Divisional Commissioner, Jammu for undoing what has been done by the CDPO in contravention to the order of the Divisional Commissioner, Jammu dated 22/11/2017. The order passed by CDPO is, in fact, non-est in the light of stay order issued by the Divisional Commissioner, Jammu vide dated 22/11/2017. It shall be open to the petitioner to file an application before the Divisional Commissioner, Jammu i.e. Revisional authority for undoing what has been done by the CDPO in contravention to the order dated 22/11/2017.**

**5. Proprietary demands that order passed by the higher authority is respected and honored. How the CDPO could afford to pass an order in contravention to the order of the Divisional Commissioner, Jammu.**

**6. For the aforesaid reasons, the petition is not to be entertained and is accordingly disposed of along with connected MP(s). The Divisional Commissioner, Jammu is expected to dispose of the application as and when the same is filed by the petitioner so as to protect this lis.**

**7. Disposed of as above."**

Accordingly Ld. Counsel for the petitioner moved an application before this Court on 05/05/2018 in terms of Order passed by Hon'ble High Court of J&K at Jammu dated 12/03/2018 in SWP No. 408/2018 titled "Meena Devi Vs State of J&K and Ors" for compliance of the said order. This Court while taking cognizance of the matter allowed the application of the petitioner and the order dated 24/11/2017 passed by CDPO Lohai Malhar being non-est in the eyes of law was quashed without touching / commenting on the merits of the main case pending before this Court.

I have examined the case file and the documents placed thereon. The arguments have been heard from both the sides. From the record available on the case file and the arguments put forth by the Ld. Counsels of both the sides it has been observed that the hamlet is usually not recorded in revenue record as such panchayat ward no. 04 is the location in which AWC is proposed to be opened which is supported by criterion 1 (c) of Government Order 07-SW of 2010 dated 18.01.2010 read with Government Order No. 10-SW of 2010 dated 19.01.2010 and Government Order No. 91-SW of 2010 dated 19.04.2010 . The relevant criterion 1 (c ) is reproduced as under:-

**1 (c ) Hamlet for purposes of setting up of Centres shall be any habitation of the village comprising of households visibly demarcated**

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***by some geographical boundary having a population and other conditions precedent as prescribed by the norms under ICDS.***

Since both the petitioner and respondent no.1 are residents of ward no. 8 as admitted by the Ld. Counsels for the parties, the issue has unnecessarily been exaggerated by the parties and had been litigating for quite some time without any cogent reasons. Both the petitioner as well as respondent no. 1 are residents of ward no. 8 and both were entitled to apply for the post of Anganwadi worker as both Sarah and Ghar are included in the survey list of the Anganwadi Centre Ghar. As clarified by Deputy Commissioner, Kathua in the order impugned that there are only 03 houses in Sarah so it cannot form a separate habitation. However it was the duty of ICDS Department to consider the claim of the meritorious candidate of the ward / hamlet out of the households included in the survey list of the Anganwadi Centre. The record available on the case file reveals that the respondent no. 1 is also resident of the same ward, her case was also required to be considered while making the selection of the candidate for the post of Anganwadi worker on the basis of merit as per Govt. Order no. 07 - SW of 2010 dated 18/01/2010 as amended from time to time. The revision filed by the petitioner being devoid of merit is hereby dismissed. The Deputy Commissioner, Kathua has passed a detailed order which needs no interference by the Court and the same is upheld.

The stay granted by this Court, if any, shall stand vacated. The record file of the Court below be sent back and the case file of this court be consigned to records after due completion.

**Announced**  
**07-07-2021**

  
**(Pawan Kumar Sharma) KAS**  
**Additional Commissioner,**  
**Jammu**  
**[with the powers of Divisional Commissioner]**