

**(2012) 07 SHI CK 0024**  
**High Court of Himachal Pradesh**  
**Case No:** CWP No. 2163 of 2012-F

Sheela Devi

APPELLANT

Vs

State of Himachal Pradesh and  
Others

RESPONDENT

---

**Date of Decision:** July 19, 2012

**Hon'ble Judges:** Rajiv Sharma, J; Deepak Gupta, J

**Bench:** Division Bench

**Advocate:** Jyostna Rewal Dua, for the Appellant; Vivek Singh Thakur, Additional Advocate General with Mr. Rajesh Mandhotra, D.A.G., and 6 and Mr. L.N. Sharma, Advocate, for respondent No.5, for the Respondent

---

**Judgement**

Deepak Gupta, J.

Heard learned counsel for the parties. The main issue, in this case, is with regard to the verification of annual income of the family of the petitioner.

2. The petitioner was appointed as Anganwari Worker in Anganwari Centre, Suindhar on 9th August, 2007. She had applied for the said post along with Asha Devi, respondent No.5. There were only two applicants. The petitioner was selected and was duly appointed. Respondent No.5 challenged the income certificate granted in favour of the petitioner showing her family income to be less than Rs.12,000/per annum.

3. It is not necessary to refer to all the facts. The Sub Divisional Collector, Paonta Sahib vide order dated 22nd November, 2011 held that the petitioner was guilty of misstatement of facts inasmuch as the details which were required to be given in columns No. 5, 6 and 7 and the declaration below the details in the application form had not been given. He, therefore, came to the conclusion that this was a deliberate misstatement of facts, the application form was incomplete and further held that the incomplete application form was filled in with a view to get a wrong certificate. In the verification of the Patwari concerned, the land of the petitioner is shown to be 5 bighas, whereas in fact the same now stands admitted to be 11 bighas 19 biswas.

However, we find that the application form of respondent No.5, Asha Devi is also equally bad and in this form also, none of these columns has been filled in. In her case also, the land is now stated to be about 20 bighas, whereas in the verification of the Patwari, it is shown to be only 5 bighas. It is more than apparent that the Patwari, who conducted the inquiries and verified the certificates, was totally remiss in discharging his duties and, therefore, both the income certificates are meaningless. Based on the order dated 22nd November, 2011, passed by the Sub Divisional Collector, Paonta Sahib, the Deputy Commissioner, Sirmour, set aside the appointment of the petitioner on the ground that her income certificate was false. She further directed that the next candidate in the select list, if fulfills the eligibility criteria, may be appointed.

4. As observed by us, above, the next candidate, i.e, Asha Devi, herself is equally guilty as far as her application form is concerned and in fact, she was not found eligible for being appointed. Therefore, the only course left open is to have the interviews afresh. The writ petition is allowed to this limited extent and it is directed that fresh interviews, as per the existing norms, shall be held for filling up the post of Anganwari Worker in Anganwari Centre, Suindhar and the process shall be completed by 31st October, 2012. The petitioner as well as the private respondent, if otherwise eligible, can apply for the said post and they shall also be considered for the said post. Both the petitioner and the private respondent shall have to obtain fresh income certificates in accordance with law. Since the petitioner has been working as Anganwari Worker in Anganwari Centre, Suindhar, she shall be permitted to continue there till the next person is appointed and in case the petitioner is appointed, obviously, she shall be continued. Needless to say that both the parties or any other candidate shall be at liberty to question the eligibility of any of the candidates.

5. Before parting with the case, we must observe that though, the Sub Divisional Collector, Paonta Sahib, District Sirmour, was justified in making observations that the application forms were totally incomplete and that the verification was done by the concerned Patwari in an improper manner, he has not taken any action against the Patwari concerned. The petitioner as well as respondent No.5 purportedly belong to poor families and they are not highly educated and if incomplete forms were filled in by them, it was the duty of the Patwari concerned to inform the parties to complete their application forms and inform them that they should fill up all the columns. As far as the land records are concerned, they are available with the Patwari concerned. It is obvious that he was performing his duty in a casual manner. We direct the District Collector, Sirmour, to initiate necessary disciplinary proceedings against the Patwari concerned. With these observations, the writ petition is disposed of. All the pending application(s), if any, are also disposed of.