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WA-1614-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

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HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 23rd OF MARCH, 2026WRIT APPEAL No. 1614 of 2024*SMT. SURSARI PANDEY**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Sandeep Kumar Sen - Advocate for the appellant.

Shri Piyush Jain - Govt. Advocate for the respondents/State.

Ms. Warija Ghildiyal - Advocate for the respondent No.6.

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ORDER

Per. Justice Vivek Rusia

The appellant has filed the present Writ Appeal, being aggrieved by the order dated 03.07.2024, whereby W.P. No.8676/2013 filed by a private respondent has been allowed, and orders passed by the Collector/District Magistrate, Sidhi and the Commissioner in favour of the appellant have both been set aside.

2. The respondents No.3 to 5 initiated the process for the appointment of Mini Anganwadi Karyakarta at Mini Anganwadi Centre, **Dhutpura Unmukt**, Sidhi. Vide appointment order dated 01.07.2010, the respondent No.6/Smt. Pooja Pandey was selected for the post of Mini Anganwadi worker and since then, she has been working in the said post. The appellant



filed an appeal before the Collector/District Magistrate challenging the said appointment on the ground that she secured more marks than the respondent No.6/Smt. Pooja Pandey, but she has been wrongly denied the appointment only on the ground that she is not a resident of village **Dhutpura Unmukt**.

3. Although the appeal was allowed by the Collector, Sidhi vide order dated 10.12.2012. The appeal filed by the respondent No.6/Smt. Pooja Pandey, against the order passed by the Collector, has been dismissed by the Commissioner, Rewa vide order dated 29.04.2013. Being aggrieved by the above two orders, a writ petition was filed in the year 2013, in which, interim protection was granted to the respondent No.6/petitioner, and she continued to work on the post in question. Now, the Single Bench has allowed the petition vide order dated 03.07.2024. The writ Court has held that the appellant is a resident of Dhutpura Kothar on the basis of the voter list filed along with the application form.

4. Learned counsel for the appellant submits that the writ Court has not considered the documents filed by the appellant to show that she is a resident of village **Dhutpura Unmukt**. All the documents were considered by the Collector and the Commissioner, and the appellant secured more marks than the respondent No.6; hence, she has a right to get an appointment to the post in question.

5. We have heard the learned counsel for the parties and examined the record.

6. In the application form of the appellant as well as in the Parivar Patra of her husband, the name of residence is written as **Mohalla**



Dhutpura, whereas the Anaganwadi Centre is situated at Village : Dhutpura Unmukt. It is not a dispute that the respondent No.6 is a resident of village **Dhutpura Unmukt**. The appellant did not file any document alongwith the application form to establish that she is a resident of the village Dhutpura Unmukt. Therefore, the authorities rightly discarded her name, despite securing more marks than the respondent No.6/petitioner.

7. Ms. Ghildiyal, Advocate has rightly pointed out that the appellant applied for the post of Sahayika, whereas the appointment was for the post of Mini Anganwadi Karyakarta. Even otherwise, the respondent No.6 has been working for the last 16 years on the said post by virtue of the interim order granted in the writ petition. The appellant has now become overage for the post. There is no complaint about the working of respondent No.6/petitioner. Therefore, in our opinion, such an appointment should not have been disturbed after a long lapse of time.

8. Accordingly, the findings recorded by the learned Single Judge do not suffer from any infirmity warranting interference by this Court; the writ appeal being devoid of substance and merits, is accordingly **dismissed**.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE