



Filed on	25/03/2019		
Registered on	25/03/2019		
Disposed on	23/03/2026		
Duration	Y	M	D
	06	11	29

IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE,
AT – JAMBUSAR

Spl. C. S. No. 10 of 2019

Exhibit - 74

Plaintiff :

1. **Mrs. Vaishaliben Karansinh Padhiyar**
Age : 58, Occupation : Household Chores,
Residing at : Ghantifadiyu, Magnad,
Ta.-Jambusar, Dist.-Bharuch

V/S

Defendants :

1. **Gujarat Government**
Ta.- Collector's Office
Dist.-Bharuch
2. **Officer**
Women & Child Development Yojna
Gandhinagar
3. **District Development Officer**
I.C.D.S. Department
Dist.-Bharuch
4. **Chief Program Officer**
I.C.D.S. Department
Dist.-Bharuch
5. **A. K. Kalsariya**
Deputy Collector,
Dy. Collector's office, Jambusar Kavi Road
Bh. Mamlatdar Office, ta. Jambusar, Dist.-Bharuch

6. **Taluka Development Officer**
Taluka Panchayat Office, Jambusar, Dist.-Bharuch
7. **Officer**
Child Development Yojna,
ICDS Office, Tankari Bhagod,
Ta. Jambusar, Dist.: Bharuch
8. **Kiranben Sureshbhai Limbachiya**
Age : 48, Occupation : Household Chores,
Residing at : Magnad, Ta.-Jambusar, Dist.-Bharuch

Subject :- SUIT FOR DECLARATION AND PERMANENT & MANDATORY INJUNCTION ORDERS.

Appearance :-

Ld. Advocate for the plaintiff	Mr. M. R. Patel
Ld. Advocate for the defendant nos.1, 2 & 5	Mr. R. J. Desai / Mr. J. J. Parmar
Ld. Advocate for the defendant nos. 4, 6 & 7	Mr. H. I. Shah
Defendant No. 8	Ex-Party

- : J U D G M E N T : -

The factual aspects of the present suit in brief are as under ;

1. It is submitted that the plaintiff resides at the address mentioned above with family, earns a livelihood through domestic work, and is an educated unemployed citizen and defendant nos. 3 and 6 perform duties under the Gujarat Panchayat Act & defendants nos. 2, 4, 5, and 7 are subordinate officers to defendant no. 1. Further the plaintiff submitted that for the purpose of child development in at-Magnad, Taluka Jambusar, Dist. Bharuch, the government established Anganwadi Centers based on ward-wise population distribution and applications were invited for the recruitment of married women and the plaintiff, along with other residents such as Smt. Sarojben Dharmeshbhai Patel, Smt. Reshmaben Viralbhai Patel, and

Defendant No. 8 i.e., Smt. Kiranben Sureshbhai Limbachiya, submitted & registered their candidacies along with necessary documentary evidence. The plaintiff further stated that the applications of other candidates were rejected, while plaintiff's & defendant no. 8's application was accepted and were called for the interview and despite the plaintiff filing a written objection on 24.08.2018, no order was passed; instead, defendant nos. 5 to 7 proceeded with the illegal appointment of defendant no. 8 and moreover the plaintiff even filed an objection application to defendant nos. 3 & 2 on 06.09.2018 but order was passed.

2. Further the plaintiff submitted that upon requesting information under the RTI Act, the plaintiff discovered that defendant no. 8 had originally applied for Anganwadi Center No. 1, but the form was later altered to Center No. 2 without any official notice or legal authorization and also submitted that documents provided to the plaintiff lack official stamps and authorized signatures, specifically, the appointment letter dated 17.09.2018, is alleged to be based on fabricated documents and political influence. It is further submitted by the plaintiff that defendants illegally appointed defendant no. 8 via Order No. Sumbhaviyo/A.Worker-App/Vashi/2018/92 dated 17/09/2018, ignoring the Plaintiff's legal rights and statutory objections and moreover they have served legal notices to defendants nos. 3 and 6 under Section 270 of the Gujarat Panchayat Act and to defendants nos. 1, 2, 4, 5, and 7 under Section 80 of the Code of Civil Procedure (CPC) but the responses received were evasive or non-existent and hence, the reason arose before the plaintiff to file the present suit.
3. The plaintiff has prayed for following reliefs from the Court ;
 - a. The Hon'ble Court be pleased to declare the appointment of Defendant No. 8 dated 17/09/2018 as illegal, void, and based on forged documents and the plaintiff is legally entitled for the appointment at anganwadi kendra.
 - b. To pass a mandatory injunction directing defendant nos. 1 to 7 to immediately terminate the services of defendant no. 8 and recover all

salaries and benefits paid to her.

- c. To pass an permanent injunction restraining defendants no. 1 to 7 from allowing defendant no. 8 to continue working at the said location.
 - d. To order the defendants to bear the cost of the suit.
 - e. Any other relief which the Hon'ble Court may deem proper be granted.
4. The summons of the present suit was duly served to all the defendants and the defendant nos. 1 to 7 has appeared through their counsel and defendant no. 8 remained absent hence the suit was ordered to be proceeded ex parte against defendant no.8 in the proceedings. The defendant nos. 1, 2 & 5 filed their written statement vide Exh.-28 and the defendant nos. 3, 4, 6 & 7 has not filed any written statement. On perusal of Exh. 28 the defendant no. 1, 2 & 5 have mainly submitted that the plaint of the plaintiff is false and not maintainable and the facts in this written statement which are not expressly admitted shall be considered as denied. It is further submitted that the defendant nos. 1 and 2 are not members of the selection committee for Anganwadi workers/helpers and consequently, the suit suffers from misjoinder of parties and it is submitted that the position of an Anganwadi worker is on an honorarium basis and does not fall under the category of a Class-4 government servant therefore, the provisions of the Gujarat Panchayat Act do not apply as claimed. Further the defendant while denying allegations, stated that the selection was conducted as per the prevailing government norms and population distribution. Further the defendants repeatedly state that the burden of proving any "political influence," "forgery of signatures," or "lack of official stamps" lies strictly with the plaintiff and they also denied that any documents provided under the RTI Act were uncertified or invalid and the plaintiff's suit be dismissed with costs.
5. The plaintiff produced following oral and documentary evidences in support of the case ;

Oral Evidence :-

Sr. No.	Particulars	Exhibit
1.	Affidavit of examination in chief of plaintiff	35

Documentary Evidence :-

Sr. No.	Particulars	Exhibit
1.	Certified copy of the appointment letter given by Defendant No. 7 to the mother-in-law of Defendant No. 8.	44
2.	Office Copy of Office copy of the original notice given under CPC Section 80 and Section 270 of the Gujarat Panchayat Act.	45
3.	Original R.P.A.D. receipt of the notice registry sent to Defendant No. 2.	46
4.	Original preliminary reply given by Defendant No. 7.	47
5.	Original envelope.	48
6.	Original letter from Defendant No. 2. 25/01/2018.	49
7.	Original envelope.	50
8.	Original reply of Defendant No. 7 regarding the application dated 28/08/2018.	51
8/1.	Certified copy provided by Defendant No. 7 regarding Family Number 77.	52
8/2.	Certified copy provided by Defendant No. 7 regarding Family Number 83.	53
8/3.	Certified copy of the Merit List provided by Defendant No. 7.	54
9.	Certified copy of the letter given by the Gram Panchayat to Defendant No. 7. dated 29/08/2018	55
10.	Certified copy of the circular regarding the appointment of Nutrition Counseling Volunteers (N.C.V.).	56
11.	Office copy (O.C.) of the original application made by the Plaintiff to Defendant No. 7.	57
12.	Office copy of the objection application given to Defendant No. 3.	58
13.	Letter from Maganad Gram Panchayat informing about the Seva Vistar (Service Area).	59

14.	Office copy of the application given to Defendant No. 3.	60
15.	Office copy of the application seeking information from Defendant No. 7.	61
16.	Certified copy provided by Defendant No. 7 regarding details of Maganad-1 names etc.	62
17.	Original reply given by Defendant No. 7 regarding the objection application.	63
18.	Certified copy provided regarding Family No. 83.	64
19.	Certified copy of the letter from Defendant No. 7.	65
20.	Certified copy provided by Defendant No. 7 of the decision taken regarding Smt. Sarojben's application and her documentary evidence (Docs 1 to 38).	66
21.	Certified copy provided by Defendant No. 7 of the decision regarding Smt. Reshmaben's application and her documentary evidence (Docs 1 to 17).	67
22.	Certified copy provided by Defendant No. 7 regarding the decision on Defendant No. 8's application and documentary evidence (Docs 1 to 17).	68
23.	Certified copy provided by Defendant No. 7 of the decision regarding the Plaintiff's application and her submitted documentary evidence (Docs 1 to 15).	69
24.	Letter given by Defendant No. 7 to the Plaintiff for document verification.	70
25.	Certified copy of the newspaper cutting of the advertisement regarding N.C.V.	71
26.	Appointment letter regarding N.C.V. provided by Defendant No. 7.	72
27.	Letter regarding the main duties and responsibilities of N.C.V. provided by Defendant No. 7.	73

6. The Ld. Advocate for the plaintiff & defendant filed a closing pursis vide Exh.-40 & Exh. 43 respectively stating that they do not want to produced any further evidence.
7. Following are the issues which were framed vide Exh.-30 by my Ld. Predecessor Judge for the determination of the present suit ;

- (૧) શું વાદી પુરવાર કરે છે કે, આંગણવાડી કેન્દ્રોમાં પરણીત મહિલાઓને નોકરી માટે પ્રતિવાદી નં. ૭ દ્વારા નોટીસ પ્રસીધ્ધ થયેલ જે આધારે વાદીએ તથા તેમના ગામની અન્ય મહિલાઓએ જરૂરી દસ્તાવેજ પુરાવા રજુ કરી પોતાની ઉમેદવારી નોંધાવેલી ?
- (૨) શું વાદી પુરવાર કરે છે કે, તેઓનું તથા પ્રતિવાદી નં. ૮ નું ફોર્મ મંજૂર થયેલ અને તેઓને ઈન્ટરવ્યુ માટે બોલાવવામાં આવેલા જેથી વાદીએ પ્રતિવાદી નં. ૩ ને તા. ૨૪-૦૮-૨૦૧૮ ના રોજ વાંધાઅરજી આપેલ, પરંતુ વાંધા અંગે કોઈ હુકમ કરેલ નહીં અને પ્રતિવાદી નં. ૫ થી ૭ નાએ પ્રતિવાદી નં. ૮ ને ગેરકાયદેસર નિમણુક આપેલ છે ?
- (૩) શું વાદી પુરવાર કરે છે કે, પ્રતિવાદી નં. ૮ ની સાસુ ચંપાબેન ઈશ્વરભાઈનાઓ અગાઉ આંગણવાડી કેન્દ્રમાં ફરજ બજાવતા આવેલા અને તેઓના કહેવાથી અને રાજકીય વગના કારણે પાછળથી દસ્તાવેજ પુરાવાઓ ઉભા કરી પ્રતિવાદી નં. ૮ ને ખોટી રીતે નિમણુક આપેલ છે ?
- (૪) શું વાદી પુરવાર કરે છે કે, તેઓ કાયદેસર નિમણુક પામવા હકકદાર હતા ?
- (૫) શું વાદી માંગ્યા મુજબની દાદ મેળવવા હકકદાર છે ?
- (૬) શું હુકમ અને હુકમનામું ?

8. My findings on the above issues are as under :-

Issues	Findings
Issue No.1	In Affirmative
Issue No.2	In Negative
Issue No.3	In Negative
Issue No.4	In Negative
Issue No.5	In Negative
Issue No.6	As per Final Order

9. **Arguments :-**

Heard the Ld. Advocate for both the respective parties at length.

10. **Oral evidence of the plaintiff :-**

In the examination in chief of plaintiff side vide Exh.-35, the plaintiff has reiterated the facts stated in the plaint and has referred the documentary evidences produced.

Further, in the cross-examination she admitted that for past 28 years she is living at Magnad village with her husband and family and currently she is doing

household chores and her husband works as a labour at Magnad. She submitted that she does not have any agricultural land suitable for cultivation. She submitted that current lawsuit is regarding work in the Anganwadi and she is familiar with the Anganwadi recruitment process and recruitment in Anganwadi is conducted area-wise. She submitted that it is true that the recruitment process is carried out according to government norms and she is not aware that, according to government norms, priority is first given to a widow from the same area for recruitment; if a widow is not available, then a woman from a family living below the poverty line (BPL) in that village is recruited. She admitted that the recruitment process is conducted from the entire village. She submitted that she has supporting evidence/proof that recruitment is done by ward, which she has submitted in this case. She submitted that during the recruitment process, responsible officers collect documentary evidence from the women who come for recruitment and their interviews are also conducted and she was sent a recruitment letter from the government, but that letter was received after the recruitment was already completed and she has produced that recruitment letter in this suit. She submitted that she has received that letter the day after the recruitment. She submitted that in the Anganwadi recruitment process, the documents of all the candidates who interviewed are collected and sent to the higher officer and the officer appoints the selected candidate and sends the appointment to the subordinate officer, and the officer who has been appointed is then issued an appointment letter and the said appointment is issued to the candidate which is not issued to her.

11. Oral evidence of the defendants :-

The defendants have not adduced any oral or documentary evidence in support of their defence.

- : Reasoning and Analysis : -

Issue No.1 :-

As the issue no. 1 is concerned that whether the plaintiff proves that recruitment notice was issued by the defendant no. 7 for job as a worker at Anganwadi Centers and applications were submitted by the married women of the village along with necessary documentary evidences? On this point both parties admitted that a recruitment process for married women at the Magnad Anganwadi for the post of worker was initiated by defendant no. 7 and the plaintiff and defendant no. 8 both applied along with necessary documentary evidence and moreover looking to the documentary evidence produced by the plaintiff vide Exh. 71 i.e., Advertisement published in Gujarati News Paper named Divya Bhaskar dated 02.07.2014 and on perusal of the same it seems that recruitment notice was issued by the defendant no. 7 for job as a worker at Anganwadi Centers so there is no dispute regarding the existence of the recruitment drive itself and both plaintiff & defendant no. 8 had applied for the same and the above said fact of Issue No.1 is not disputed by any of the party hence plaintiff proved the facts of issue no. 1 and therefore, I answer Issue No. 1 In Affirmative.

Issue Nos. 2 to 4 :-

As the issue no. 2 to 4 are interconnected and co-related with each other hence, they are hereby discussed jointly for the sake of brevity and convenience.

As the issue nos. 2 to 4 are concerned that whether the plaintiff proves that the application of plaintiff and defendant no. 8 was approved and were called for interview therefore an objection application was submitted to the defendant no. 3 on 24.08.2018 by the plaintiff but no order was passed regarding his objection and defendant nos. 5 to 7 illegally appointed the defendant no. 8 and whether the plaintiff proves that the mother-in-law of defendant no. 8 was earlier working in an Anganwadi Kendra and upon her reference and political influence the

documentary evidences were fabricated retrospectively and defendant no. 8 was falsely appointed and whether the plaintiff proves that she was legally entitled for appointment. To prove these issues the plaintiff has produced her examination in chief on oath vide Exh. 35 along with documentary evidence vide Exh. 44 to Exh. 73 and on perusal of Exh. 35 Examination in Chief of plaintiff it seems that the objection application was given to defendant no. 3 on 24.08.2018 however, plaintiff has not given any explanation to how the defendant nos. 5 to 7 had appointed defendant no. 8 illegally. Further on perusal of the examination in chief of plaintiff vide Exh. 35 it seems that plaintiff has mentioned that the application of plaintiff and defendant no. 8 was approved and were called for interview however the plaintiff in her cross-examination has stated that she was sent a recruitment letter from the government, but that letter was received after the recruitment was already completed i.e., on the next day which are seems to be contradictory in nature. The plaintiff has produced documentary evidences vide Exh. 44 to Exh. 73 and on perusal of these documentary evidences it does not seems that the said recruitment of defendant no. 8 is illegal. Furthermore upon perusal of the documentary evidences produced by the plaintiff vide Exh. 54, i.e., merit list prepared & provided by defendant no. 7 it is observed that the selection criteria for Anganwadi Workers are primarily based on educational merit i.e., 10th Standard percentages. On perusal of the documentary evidence vide Exh. 54 it seems that Defendant No. 8 secured 68.14% in her 10th-standard examinations, whereas the Plaintiff secured 60.40% in her 10th-standard examinations. In a competitive recruitment process governed by government norms, the candidate with higher merit is naturally entitled to priority which is mentioned in the documentary evidence produced by the plaintiff vide Exh. 71 i.e., recruitment notice published in the Gujarati News paper named Divya Bhaskar on 02.07.2014 and they have categorically stated that the minimum essential education eligibility for anganwadi worker is S.S.C. pass and have specifically mentioned in condition no. 10 that no correspondence will be entertained regarding the rejected or

canceled application and the final authority for selection of the candidate will be with the selection committee. Now, looking to the above facts it cannot be said that the recruitment of defendant no. 8 was illegal in any manner.

Further the issue no. 4 is concern the plaintiff has alleged that mother-in-law of defendant no. 8 was earlier working in an Anganwadi Kendra and upon her reference and political influence the documentary evidences were fabricated retrospectively and defendant no. 8 was falsely appointed to prove these issues the plaintiff has produced examination in chief vide Exh. 35 along with documentary evidence vide Exh. 44 to 73 and on perusal of the same plaintiff has not given any particulars or explanation regarding the "political influence" and "documents concocted retrospectively" and in absence of particulars it is mere allegation of the plaintiff. Further, it seems that the plaintiff has not specified that which documents have been concocted retrospectively by the defendant no. 8 and her mother-in-law. Therefore, it cannot be said that the appointment of defendant no. 8 is illegal in absence of evidence regarding the averments. Further as per the above said discussions it does not seems that the plaintiff is entitled to get legally appointment. Hence, in view of the above discussion the plaintiff has failed to prove the facts of issue nos. 2 to 4 and hence, I answered Issue Nos. 2 to 4 In Negative.

Issue Nos. 5 & 6 :-

As the issue no.5 is concerned regarding the entitlement of the reliefs as prayed by the plaintiffs, it seems that the plaintiff has failed to prove that the appointment of the defendant no. 8 is illegal and plaintiff is legally entitled to get the appointment and hence, this Court is of the view that as the plaintiff has failed to prove the facts of the plaint, in view of the above discussion, it seems that the plaintiff is not entitled to get the reliefs as prayed for and, therefore, I answer Issue No.5 In Negative and the Issue no.6 is followed as per Final Order.

- : FINAL ORDER : -

1. The present suit of the plaintiff bearing Sp.C.S. No. 10 of 2019 is hereby Dismissed.
2. No order as to costs.
3. Decree to be drawn accordingly.

Pronounced and signed today in open Court on 23rd day of March, 2026.

Place :- Jambusar
Date :- 23/03/2026

(A. D. Rao)
Principal Senior Civil Judge,
Jambusar
UIC : GJ01480