



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8228 of 2023

Order Reserved on : 19.01.2026

Order Delivered on : 28.02.2026

- Smt. Dutiya Pradhan W/o Khemsagar Pradhan, Aged About 45 Years R/o Village Lara, Tahsil Tahsil Pusour, District Raigarh, Chhattisgarh.

... Petitioner

versus

- Smt. Kanti Chauhan W/o Pratap Chauhan, Aged About 48 Years R/o Village Lara, Tahsil Pusour, District Raigarh, Chhattisgarh.
- Chief Executive Officer, Janpad Pusour, District Raigarh Chhattisgarh.
- Collector, District Raigarh, Collector Marg, Chandra Nagar Colony, Kelo Vihar, Raigarh, Chhattisgarh 496001.

... Respondent(s)

For Petitioner	:	Mr. Hemant Gupta, Advocate.
For Respondent/ State	:	Mr. Hariom Rai, Panel Lawyer.
For Respondent No. 1	:	Ms. Mahima Tandan, Advocate appearing on behalf of Mr. Shiv Kumar Banjare, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

- The petitioner is assailing the order dated 22.09.2023 passed in Case No. 83/A89/2021-22 by the learned Court of the Additional

Commissioner, Bilaspur Division, Bilaspur, Camp at Raigarh (Chhattisgarh), whereby the learned Additional Commissioner set aside the order dated 07.02.2023 passed by the Collector in Case No. 6/A89/2020-21 (dated 07.10.2022) and allowed the revision petition filed by respondent No.1. Being aggrieved by the said order, the present petition has been preferred seeking following reliefs :-

“10.1 This Hon'ble Court may kindly be pleased to issue order/orders, writ/writs and direction/directions by set aside / quashing the order impugned dated 22-09-2023 passed by the Lt. Commissioner in R. Case no. 83/A-89/2021-22.

10.2 This Hon'ble Court may kindly be issue direction and direct the respondent authority to strictly comply with orders / circulars of the State Govt.

10.3 Any other relief/relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner.”

2. Facts of the case, in a nutshell, are that the petitioner is a duly selected and working candidate on the post of Worker – Anganwadi at Mini Anganwadi Kendra, Lara–1, District Raigarh.

She has been discharging her duties in accordance with the applicable rules and government policies. Initially, Respondent No.1 was selected and appointed as Worker – Anganwadi at Mini Anganwadi Kendra, Lara–1, District Raigarh. However, her services were terminated vide order dated 06.01.2017 passed by Respondent No.2 in Order No. 410/Est/A.BA.V.P.RE/2016-17. Aggrieved by the said termination, Respondent No.1 preferred an appeal before Respondent No.3, the Collector, Raigarh, registered as Appeal No. 96/A-89/2016-17, on various grounds. The said appeal was dismissed by Respondent No.3 vide order dated 27.06.2017. It is pertinent to mention that Respondent No.1 did not challenge the order dated 27.06.2017 passed by the Collector, Raigarh, before any higher forum. No appeal, revision, or petition was preferred thereafter, and consequently, the said order attained finality. Subsequently, the State Government again issued an advertisement inviting applications for the post of Worker – Anganwadi at Mini Anganwadi Kendra, Lara–1, District Raigarh. Respondent No.1, by suppressing the material fact of her earlier termination and dismissal of appeal, participated in the selection process and was appointed on the said post vide order dated 15.07.2020. Being aggrieved by the appointment of Respondent No.1, the petitioner preferred an appeal before Respondent No.3, the Collector, Raigarh, inter alia relying upon the State Government circulars dated 02.04.2008 and 25.01.2019, which govern eligibility and selection criteria for

Anganwadi workers. The appeal preferred by the petitioner was allowed by Respondent No.3, the Collector, Raigarh, vide order dated 07.02.2022, whereby the appointment of Respondent No.1 was set aside. Pursuant thereto, the petitioner submitted a representation dated 14.02.2022 before Respondent No. 2 seeking her appointment as a suitable and eligible candidate for the post of Worker – Anganwadi. Thereafter, Respondent No.2 appointed the petitioner on the post of Worker – Anganwadi at Mini Anganwadi Kendra, Lara–1, District Raigarh, vide order dated 22.02.2022. After the petitioner joined her duties, Respondent No.1 preferred a revision petition before the learned Additional Commissioner, Bilaspur Division, Bilaspur, Camp at Raigarh, on 08.03.2022, challenging the order dated 07.02.2022 passed by the Collector, Raigarh. The revision was registered as Revision Case No. 83/A-89/2021-22. The petitioner also filed her written submissions before the learned Additional Commissioner, along with copies of the relevant State Government circulars pertaining to eligibility and selection for the post of Anganwadi Worker. However, the learned Additional Commissioner, while ignoring the binding policy circulars of the State Government and the submissions made by the petitioner, allowed the revision petition filed by Respondent No.1. Being aggrieved by the impugned order passed by the learned Additional Commissioner, which is arbitrary, illegal, and contrary to the settled government

policy, the petitioner has been constrained to invoke the extraordinary jurisdiction of this Court by filing the present petition.

3. Learned counsel for the petitioner submits that the impugned order passed by the learned Additional Commissioner is *ex facie* illegal, arbitrary, and unsustainable in law. The action of the respondents, particularly in allowing the revision petition preferred by Respondent No.1, clearly reflects discrimination and hostile treatment towards the petitioner and is violative of Articles 14 and 16 of the Constitution of India. The petitioner, who is a duly selected and appointed Anganwadi Worker, has been deprived of her legitimate right to continue on the post solely on account of an arbitrary exercise of revisional jurisdiction. It is further submitted that the learned Additional Commissioner adopted an unfair and improper method while adjudicating the revision petition filed by Respondent No.1. The revisional authority failed to apply the settled principles governing service matters and acted mechanically without due consideration of the factual background and binding government policy. The impugned order does not reflect any objective or reasoned analysis and, therefore, cannot be sustained. Learned counsel submits that the learned Additional Commissioner completely ignored and overlooked the State Government Circulars dated 02.04.2008 and 25.01.2019, which specifically govern eligibility, appointment, and disqualification for the post of Anganwadi Worker. These circulars were issued with the object of maintaining transparency and

fairness in the selection process and are binding on all authorities functioning under the State Government. The failure to consider and apply these circulars vitiates the impugned order and renders it illegal. It is submitted that the order dated 07.02.2022 passed by Respondent No.3, the Collector, Raigarh, was just, proper, and in complete conformity with the aforesaid State Government Circulars. The Collector, after due consideration of the facts and applicable policy, rightly held that Respondent No.1 was ineligible for appointment on the said post and set aside her appointment. The said order was reasoned, lawful, and deserved to be maintained. The learned Additional Commissioner erred in interfering with the well-considered order of the Collector without any justifiable ground.

4. Learned counsel for the petitioner further submits that the impugned order is wholly unjustified and suffers from serious legal infirmities. The revisional authority committed a grave error by ignoring the explicit provisions of the State Government Circulars, thereby acting beyond its jurisdiction. Such disregard of binding policy amounts to a colourable exercise of power and calls for interference by this Court in exercise of its writ jurisdiction. It is specifically submitted that Respondent No.1 had earlier been terminated from the post of Anganwadi Worker, and her appeal against the said termination was dismissed by the competent authority. In view of Clause 1.4 of the State Government Circular dated 02.04.2008, a candidate who has been terminated from

service is not eligible for re-appointment to the same post. This disqualification operates automatically and leaves no discretion with the authorities. Therefore, the subsequent appointment of Respondent No.1, obtained by suppressing material facts, was void ab initio, and the impugned order restoring such an appointment is contrary to law. Learned counsel submits that the suppression of material facts by Respondent No.1 disentitles her from any equitable relief. It is a settled principle of law that a person who approaches the authority with unclean hands is not entitled to any relief. The learned Additional Commissioner failed to consider this crucial aspect while allowing the revision petition. It is further submitted that the arbitrary and illegal order passed by the learned Additional Commissioner has caused grave prejudice to the petitioner. The petitioner, who was lawfully appointed pursuant to a valid selection process and was discharging her duties sincerely, has suffered serious consequences due to the impugned order. Her service career and livelihood have been adversely affected, causing irreparable loss and hardship. Learned counsel also submits that the impugned order is non-speaking and cryptic in nature, devoid of proper reasoning, and fails to address the specific contentions raised by the petitioner in her written submissions. Such an order does not satisfy the requirement of a reasoned decision and is liable to be quashed on this ground alone. In view of the aforesaid submissions, learned counsel for the petitioner submits that the impugned order passed

by the learned Additional Commissioner deserves to be set aside/quashed, and the order dated 07.02.2022 passed by Respondent No.3, the Collector, Raigarh, deserves to be restored. It is, therefore, prayed that this Court may be pleased to allow the present petition in the interest of justice.

5. Learned counsel for Respondent No.1 respectfully submits that the present writ petition has been preferred by the petitioner under Article 226 of the Constitution of India seeking issuance of a writ of mandamus. At the outset, it is submitted that the petition is wholly misconceived, misleading, and devoid of merit, and is liable to be dismissed at the threshold. It is submitted that the petitioner has not approached this Court with clean hands and has deliberately suppressed material and vital facts which go to the very root of the matter. On this ground alone, the petition deserves to be dismissed. The respondent further denies the correctness, validity, and maintainability of the writ petition in its entirety. It is submitted that vide order dated 28.07.2018, the Chief Executive Officer, Janpad Panchayat, Pusour, District Raigarh, passed an order in favour of Respondent No.1 holding that her earlier removal from service was wrongful and directing that she be reinstated to her post, with a specific direction that no further posting be made on the said post. The said order was passed pursuant to a resolution of the General Body of the Janpad Panchayat. This vital fact has been conveniently omitted by the petitioner. The petitioner has distorted the factual matrix

and has deliberately withheld crucial documents relating to her own removal from service. The petition is founded on selective facts, half-truths, and misrepresentation, and therefore the entire edifice of the writ petition collapses. It is emphatically denied that Respondent No.1 obtained her appointment by suppression of facts, misrepresentation, or by any unlawful means. Respondent No.1 was duly selected and appointed strictly in accordance with the applicable government guidelines, circulars, and recommendations of the competent authorities. All documents submitted by Respondent No.1 were duly verified before issuance of the appointment order. On the contrary, it is the petitioner who had earlier been removed/terminated and failed to disclose this vital fact during the subsequent selection process, thereby disentitling herself from any equitable relief. It is submitted that the Collector passed the earlier order dated 07.02.2022 without proper appreciation of the petitioner's ineligibility and without considering her previous removal from service. The learned Additional Commissioner, exercising revisional jurisdiction, after detailed scrutiny of the entire record, rightly set aside the erroneous order of the Collector and restored the lawful position. The contention that the Revisional Authority ignored Government circulars or acted contrary to law is wholly incorrect and misleading. Learned counsel further submits that the legal grounds raised by the petitioner, including alleged violation of principles of natural justice, discrimination, breach of circulars, or

arbitrary exercise of power, are frivolous, baseless, and unsupported by any evidence. Respondent No.1 has strictly adhered to every rule, guideline, and procedure applicable to the appointment. No legal or fundamental right of the petitioner has been infringed, nor has any prejudice been caused to her by the acts of Respondent No.1. It is further submitted that the petitioner has challenged the appointment of Respondent No.1 mainly on the ground of alleged non-compliance with the State Government circulars dated 02.04.2008 and 25.01.2019. However, the factual matrix clearly demonstrates that Respondent No.1 was earlier appointed on 29.04.2011 as Anganwadi Worker at Lara Dipapara and had rendered more than six years of service. Her services were terminated on 06.01.2017 on the ground of alleged unauthorized absence, which termination was subsequently found to be wrongful by the General Body of the Janpad Panchayat, Pusour, resulting in a resolution dated 27.07.2018 for her reinstatement. It is submitted that thereafter, an advertisement was issued by the Janpad Panchayat, Pusour, for appointment to the posts of Anganwadi Worker, Mini Anganwadi Worker, and Anganwadi Assistant. Respondent No.1 participated in the selection process and was appointed as Mini Anganwadi Worker vide order dated 15.07.2020 following due procedure. Though the appointment was initially set aside by the Collector on 07.02.2022, the same was rightly restored by the learned Additional Commissioner vide order dated 22.09.2023 upon a detailed

examination of the entire record. Respondent No.1 has continuously remained in service since 15.07.2020 and is discharging her duties satisfactorily against a regular sanctioned post. There has been no complaint whatsoever against her during her tenure. Her appointment is legal, valid, and in consonance with the applicable rules and policies.

6. Learned counsel for the respondent No. 1 submits that the case of Respondent No.1 is squarely covered by the law laid down by the Hon'ble Supreme Court in **Secretary, State of Karnataka vs. Uma Devi (2006) 4 SCC 1** and further clarified in **Jaggo v. Union of India, 2024 SCC OnLine SC 3826**, wherein it has been held that where appointments are not illegal but suffer from procedural irregularities, the same cannot be brushed aside mechanically, and the rights of employees cannot be defeated on hyper-technical grounds. It is further submitted that the termination of Respondent No.1 on 06.01.2017 was wrongful, and the subsequent resolution dated 27.07.2018 passed by the General Body of the Janpad Panchayat, Pusour, clearly acknowledges this fact. No irregularity was ever committed by Respondent No.1 during her service period from 29.04.2011 to 06.01.2017. In view of the aforesaid facts and submissions, learned counsel for Respondent No.1 submits that the petitioner is not entitled to any of the reliefs sought in the writ petition. The petition is devoid of merit, substance, and bona fides, and is liable to be dismissed at the threshold, with costs, in the interest of justice.

7. I have heard learned counsel for the respective parties and perused the documents annexed along with the petition with utmost circumspection.
8. The petitioner has assailed the order dated 22.09.2023 passed by the learned Additional Commissioner, Bilaspur Division, Bilaspur, Camp at Raigarh, in Revision Case No. 83/A-89/2021-22, whereby the revision preferred by Respondent No.1 was allowed and the order dated 07.02.2022 passed by the Collector, Raigarh, was set aside. The petitioner seeks quashing of the said revisional order and restoration of the order passed by the Collector.
9. The foundational facts are largely undisputed. Respondent No.1 was initially appointed as Anganwadi Worker and was removed from service vide order dated 06.01.2017. Her appeal against the said order was dismissed by the Collector on 27.06.2017. Subsequently, a resolution dated 27.07.2018 was passed by the General Body of Janpad Panchayat, Pusour, holding that the earlier removal of Respondent No.1 was wrongful and directing her reinstatement. Thereafter, pursuant to a fresh advertisement and selection process, Respondent No.1 was appointed as Mini Anganwadi Worker vide order dated 15.07.2020. The appointment was later set aside by the Collector on 07.02.2022 on the appeal preferred by the present petitioner, which order was ultimately reversed by the learned Additional Commissioner in revision.

10. The principal contention of the petitioner is that the impugned revisional order is contrary to the State Government circulars dated 02.04.2008 and 25.01.2019, violative of Articles 14 and 16 of the Constitution of India, and suffers from arbitrariness and non-application of mind. It is further contended that once Respondent No.1 had been terminated earlier, she was rendered permanently ineligible for re-appointment in view of Clause 1.4 of the circular dated 02.04.2008. On the other hand, Respondent No.1 has placed reliance on the subsequent resolution dated 27.07.2018 of the General Body of Janpad Panchayat, Pusour, and the order of the Chief Executive Officer dated 28.07.2018, whereby her earlier removal was declared wrongful and reinstatement was directed. It is also contended that the appointment dated 15.07.2020 was made after due verification and in accordance with the prevailing policy, and that the learned Additional Commissioner, while exercising revisional jurisdiction, has rightly corrected the manifest illegality committed by the Collector.
11. Upon a careful examination of the record, this Court finds that the learned Additional Commissioner has exercised revisional jurisdiction within the permissible limits of law. The revisional authority has taken into consideration the entire factual background, including the resolution of the General Body of the Janpad Panchayat, which held the earlier termination of Respondent No.1 to be wrongful. Once the competent local

authority itself declared the termination to be unjustified, the rigour of Clause 1.4 of the circular dated 02.04.2008 could not have been applied mechanically against Respondent No.1.

12. The contention of the petitioner that the disqualification under Clause 1.4 operates absolutely and permanently is misconceived. The said clause cannot be read in isolation and must be interpreted in a purposive manner. Where the very foundation of termination is subsequently found to be wrongful by the competent authority, such termination cannot be treated as a valid disqualification so as to forever debar a candidate from consideration. The learned Additional Commissioner has rightly appreciated this legal position. The order dated 07.02.2022 passed by the Collector, Raigarh, does not appear to have considered the subsequent developments, particularly the resolution dated 27.07.2018 and the consequential order dated 28.07.2018. The Collector proceeded on the assumption that the earlier termination had attained finality, which assumption was factually and legally incorrect in view of the later resolution of the General Body. The revisional authority was, therefore, justified in interfering with such an order.
13. The allegation of violation of Articles 14 and 16 of the Constitution of India is wholly unfounded. The petitioner has failed to demonstrate any hostile discrimination or unequal treatment meted out to her. The mere setting aside of an order passed in

her favour does not ipso facto amount to violation of constitutional guarantees. Equality before law does not mean negative equality, nor does it confer a right to perpetuate an illegality. The submission that the impugned order is non-speaking or cryptic is also without substance.

14. A perusal of the impugned order dated 22.09.2023 reveals that the learned Additional Commissioner has considered the relevant facts, documents, and policy provisions before arriving at a conclusion. Merely because the conclusion is adverse to the petitioner, the order cannot be branded as arbitrary or unreasoned. So far as the reliance placed by the petitioner on the State Government circulars dated 02.04.2008 and 25.01.2019 is concerned, this Court finds that the revisional authority has not ignored the said circulars but has interpreted them in the light of the peculiar facts of the case. Administrative circulars are intended to guide decision-making and cannot be applied in a rigid or mechanical manner divorced from the factual context. The petitioner's plea that her service career has been adversely affected, though sympathetic, cannot override legality.
15. The writ jurisdiction of this Court is concerned with the legality and correctness of administrative action and not with equitable considerations alone. No vested or indefeasible right has accrued in favour of the petitioner merely by virtue of her temporary continuance on the post pursuant to the Collector's order. This

Court also finds merit in the submission of Respondent No.1 that the writ petition suffers from selective disclosure of facts. The petitioner has not placed due emphasis on the resolution and orders which formed the basis of Respondent No.1's reinstatement and subsequent appointment. A litigant invoking extraordinary jurisdiction is expected to make full and fair disclosure of all material facts.

16. In view of the aforesaid discussion, this Court is of the considered opinion that no case for interference is made out. The impugned order dated 22.09.2023 passed by the learned Additional Commissioner does not suffer from illegality, perversity, or jurisdictional error warranting interference by this Court.
17. Accordingly, the writ petition is **dismissed**. The impugned order dated 22.09.2023 is upheld.

Sd/-

(Amitendra Kishore Prasad)
Judge

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
19.1.2026	28.2.2026	-	28.2.2026

Raghu Jat