

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 358/2017
Decided on: 19.09.2026**

Radhika

.....Petitioner

Versus

State of H.P. & Ors.

....Respondents.

Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner:

Mr. Amit Kumar Dhumal and Ms. Parul Negi, Advocates.

For the respondents:

Mr. Seema Sharma, Deputy Advocate General, for respondents/State.

Mr. Rajender Singh, Advocate, for respondent No.4.

Jyotsna Rewal Dua, J

The interviews for the post of Anganwadi Worker at the Anganwadi Centre, Shilling, under the ICDS Project, Pooh, District Kinnaur, were conducted on 17.05.2016. The petitioner was selected as an Anganwadi Worker. Her appointment was challenged by respondent No. 4 before the Deputy Commissioner, Kinnaur. Vide order dated 25.02.2017 (Annexure P-4), impugned herein, the Deputy Commissioner set aside the selection and appointment of the petitioner. The appellate authority held that three marks were stipulated for the interview; The Committee awarded only 1 out of 3 marks to respondent No. 4, whereas full marks, i.e., 3 marks, were awarded to the petitioner. The Deputy

Commissioner construed this as irrational awarding of marks, which created suspicion, and consequently quashed the selection of the petitioner. The appointment of the next candidate, who was first in the waiting list, i.e., respondent No. 4, was ordered. Feeling aggrieved, the petitioner has instituted this writ petition.

Pursuant to the interim order passed in this writ petition on 07.03.2017, the petitioner is continuing to serve as an Anganwadi Worker and has by now completed about 10 years of service.

2. Interestingly, two sets of replies have been filed by respondents No. 1 to 3 to the writ petition. The first reply was filed on behalf of respondents No. 1 to 3 (pages 28 to 32 of the paper book) on the affidavit of the Deputy Commissioner, Kinnaur (respondent No. 2), contesting the writ petition, affirming and reiterating his order dated 25.02.2017, whereby the selection and appointment of the petitioner was quashed.

There is yet another reply to the writ petition filed on behalf of respondents No. 1 to 3 on the affidavit of the Director, Women and Child Development, Himachal Pradesh, favouring the petitioner. In terms of this reply (pages 33 to 46 of the paper book), there was no correlation between the marks obtained by the petitioner in her educational qualifications and the marks obtained in the interview. It was for the Selection Committee to judge the comparative merits of the candidates and exercise its wisdom in awarding marks to the participating candidates.

3. The assertion of the Director, Women and Child Development, Himachal Pradesh, is in consonance with the law. It is within the domain of the Interview Committee to award marks to candidates based upon their performance in the interview.

It will be appropriate to refer to ***Tajvir Singh Sodhi & Ors. Vs. State of Jammu & Kashmir & Ors.***², wherein the Apex Court held that while exercising the power of judicial review Court cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether marks awarded by the Selection Committee in viva voce are excessive and not corresponding to their performance in such test: -

“37. Thus, Courts while exercising the power of judicial review cannot step into the shoes of the Selection Committee or assume an appellate role to examine whether the marks awarded by the Selection Committee in the viva-voce are excessive and not corresponding to their performance in such test. The assessment and evaluation of the performance of candidates appearing before the Selection Committee/Interview Board should be best left to the members of the committee. In light of the position that a Court cannot sit in appeal against the decision taken pursuant to a reasonably sound selection process, the following grounds raised by the writ petitioners, which are based on an attack of subjective criteria employed by the selection board/interview panel in assessing the suitability of candidates, namely, (i) that the candidates who had done their post-graduation had been awarded 10 marks and in the viva-voce, such PG candidates had been granted either 18 marks or 20 marks out of 20. (ii) that although the writ petitioners had performed exceptionally well in the interview, the authorities had acted in an arbitrary manner while carrying out the selection process, would not hold any water.”

² (2023) 17 SCC 147

During the hearing of the case, an assertion was also made for respondent No. 4 that she had not been awarded 1 mark for experience on account of her having previously worked as an Anganwadi Helper. This factual contention has been demonstrated to be incorrect by the petitioner. Along with the rejoinder, the petitioner has placed on record the result of the selection process for the post of Anganwadi Worker (Annexure P-6). A perusal whereof reflects that the petitioner has been awarded 1 mark for her experience. This position has been admitted to be correct and is not disputed by the learned counsel for respondent No. 4.

In view of the above, the petitioner, having emerged as more meritorious than respondent No. 4, was justly selected as an Anganwadi Worker. Accordingly, the petition is allowed. The impugned order dated 25.02.2017 passed by respondent No. 2 is quashed and set aside. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

19th September, 2026_(rohit)