

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6149 OF 2008

GURMEET KAUR ...APPELLANT(S)

VERSUS

STATE OF PUNJAB & ORS. ...RESPONDENT(S)

O R D E R

1. This civil appeal is directed against the judgment and order, passed by the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 7413 of 2005, dated 22.03.2007, whereby the High Court has allowed the said writ petition and directed the respondent no. 6 herein to be appointed in place of the appellant herein to the post of Anganwari Worker.

2. Briefly stated, the facts in the present appeal are: the lis pertains to an appointment to

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the post of Anganwari Worker. Vide a policy of the Government of Punjab, dated 09.01.2004, the procedure, educational qualifications, experience, etc. for the selection and appointment of Anganwari Workers has been prescribed. Further, the Directorate, Child and Women Development, Punjab issued a letter clarifying the consideration of experience as a criteria for

selection, dated 07.06.2005. It is an admitted fact that the appellant and respondent no. 6 herein have worked as Anganwari worker for different periods of time.

3. Pursuant to an advertisement inviting applications to fill the post of Anganwari Worker, the Respondent-Authority herein prepared a panel of candidates and included the appellant and respondent no. 6 in the same. By an order of the Respondent-Authority herein, the appellant had been selected and appointed as an Anganwari Worker. Aggrieved by the same, the respondent no.6

3

herein invoked the extra-ordinary writ jurisdiction of the High Court to challenge the said appointment as being contrary to the rules and regulations of the State.

4. By the impugned judgment and order, the High Court has allowed the writ petition and quashed the appointment of the appellant herein. Further, the High Court has applied the said aforementioned policy of the Government to the facts of the present case and thereby appointed the respondent no. 6 herein as an Angadwari Worker. Aggrieved by the said judgment and order of the High Court, the appellant is before us in this appeal.

5. We have heard Shri Kamal Mohan Gupta, learned counsel appearing for the appellant and carefully perused the records of the case.

6. It is an established and incontrovertible principle of law that this Court should not, under Article 136 Constitution of India, 1950 (for

short, "the Constitution"), constitute itself into a mere tribunal or appellate court for settling individual disputes. The power under Article 136 of the Constitution is an extraordinary power to be exercised in rare and exceptional cases such as, when a substantial question of law of general public importance arises.

7. Furthermore, it is well settled that though special leave is granted, the discretionary power which vested in this Court at the stage of the special leave petition continues to remain with the Court even at the stage when the appeal comes up for hearing and when both sides are heard on merits in the appeal. The appellant must show that exceptional and special circumstances exist, and that, if there is no interference by this Court, substantial and grave injustice will result and that the case has features of sufficient gravity to warrant a review of the decision appealed

5

against on merits. (See *Pritam Singh v. State*, AIR 1950 SC 169; *Hem Raj v. State of Ajmer*, AIR 1954 SC 462; *Taherakhatoon v. Salambin Mohammad*, (1999) 2 SCC 635; *J.P. Builders v. A. Ramadas Rao*, (2011) 1 SCC 429).

8. The present civil appeal pertains merely to a dispute between individuals regarding their appointment as Anganwari Workers. The only issue raised is the application of the Policy of the Government regarding selection and appointment of Anganwari Workers. The appeal does not raise any substantial question of law of general public

UPON hearing the counsel the Court made the following
O R D E R

The civil appeal is dismissed in
terms of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)