



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 7135 of 2021Smt. Laxmi **Versus** State of Chhattisgarh

WPS/7150/2021, WPS/7140/2021, WPS/7155/2021, WPS/7158/2021, WPS/7169/2021,
 WPS/7176/2021, WPS/7146/2021, WPS/7165/2021, WPS/7171/2021, WPS/7142/2021,
 WPS/7168/2021, WPS/7170/2021, WPS/7147/2021, WPS/7153/2021, WPS/7174/2021,
 WPS/7172/2021, WPS/7149/2021, WPS/7154/2021, WPS/7161/2021, WPS/7175/2021,
 WPS/7160/2021, WPS/7173/2021, WPS/7163/2021, WPS/7156/2021, WPS/7143/2021,
 WPS/7164/2021, WPS/7148/2021, WPS/7151/2021, WPS/7166/2021, WPS/7157/2021,
 WPS/7167/2021, WPS/7152/2021, WPS/7159/2021

27.12.2021	Shri Sunil Tripathi, Shri Pallav Mishra, Shri Rahil Arun Kochar, Shri Kishore Narayan, Ms. Sarina Khan and Shri R.K. Verma, Advocates for the respective petitioners. Shri H.S. Ahluwalia, Deputy Advocate General and Shri Gagan Tiwari, Deputy Government Advocate for the State. Dr. Saurabh Pandey, Advocate for Chhattisgarh Professional Examination Board. Issue notice to the respondents. Shri Tiwari accepts notice on behalf of State and Dr. Pandey accepts notice on behalf of Chhattisgarh Professional Examination Board. As respondents No.1 to 4 as well as respondent No.7 have made appearance, hence, no P.F. is required to be paid. Notice to other respondents is dispensed with for time being.
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Heard on I.A. No.01/2021, application for grant of stay.

Challenge in all these petitions is the advertisement issued by Director, Women and Child Development, Chhattisgarh for appointing Anganbadi Supervisors by way of direct recruitment and delimited recruitment process, wherein maximum age prescribed for becoming a candidate to be eligible is 45 years as well as vires of provision of Chhattisgarh Civil Services (Special Provision for Appointment of Women) Rules 1997.

Submission of learned counsel for petitioners is that same advertisement was put to challenge in WPS No.7030 of 2021, which came up for hearing before co-ordinate Bench of this Court on 21.12.2021, in which, interim order in favour of petitioners therein is passed. Learned counsel for petitioners submits that interim relief of similar nature be granted in their favour also.

Shri H.S. Ahluwalia, Deputy Advocate General and Shri Gagan Tiwari, Deputy Government Advocate for the State as well as Dr. Saurabh Pandey, learned counsel for Chhattisgarh Professional Examination Board, would submit that after passing of interim order dated 21.12.2021, Chhattisgarh Professional Examination Board, after seeking instructions from Chhattisgarh Infotech Promotion Society ('CHIPS') issued press release, wherein portal is open for all aspirants, who are above 45 years of age for submission of their application forms in view of order passed in WPS No.7030 of 2021, hence, no further interim order is required to be passed by this Court in these petitions.

At this stage, learned counsel for the petitioners would submit that in the press release, aspirants have only been permitted to submit their application forms and if petitions itself would not be disposed of finally, then petitioners may not be permitted to appear in examination, which is to be conducted by Chhattisgarh

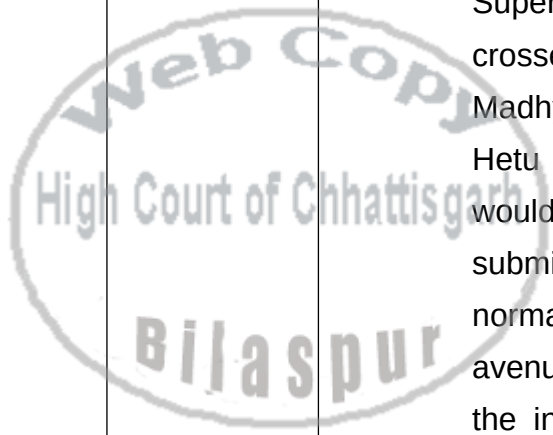


Professional Examination Board in the month of January, 2022.

Co-ordinate Bench, in which, one of us (Shri N.K. Chandravanshi, J.) is a member, passed interim order, which reads as under :-

“Learned counsel for the petitioners submits that the petitioners were appointed as Anganbadi workers in the year 2008. In the year 2013, examination was conducted for selection of Anganbadi Supervisors, which required 10 years experience. By that time, petitioners could not qualify to the 10 years experience, and despite having secured merit in the examination, they were not selected. Now after a gap of 8 years, the recruitments are being done for Anganbadi Supervisors, and by the time, now the petitioners have crossed the age of 45 years. It is stated that and as per Madhya Pradesh/Chhattisgarh Civil Seva (Mahilaon Ki Niyukti Hetu Vishesh Upbandh) Niyam, 1997, the upper age limit would be 45 years. Learned counsel for the petitioners would submit that, by the time, 10 years experience is obtained, normal Anganbadi worker crosses the age of 45 years, thereby the avenues to apply is being narrowed down, which is against the interest of such workers. Therefore, the petitioners may be allowed to take part in the examination of Anganbadi Supervisors.

Learned State Counsel prays for time to file reply and would submit that it is a direct recruitment for Anganbadi Supervisors, and as the petitioners have crossed the age of 45 years, they are not entitled to appear. Having peculiar facts of this case that initial appointment of Anganbadi supervisors took place in the year 2013 and after a gape of 8 years, recruitment is being now processed. When the experience as Anganbadi worker is being given weightage for 10 years, then in such case there may be cases that the Anganbadi worker who obtained experience of 10 years may have crossed the age of 45 years.





Considering the facts that holidays are intervening and last date of submission of forms for the examination of Anganbadi Supervisors is on 30-12-2021, subject to further orders by this Court, the petitioners are allowed to submit their forms which may be accepted by the respondent No. 4, to appear in the examination of Anganbadi Supervisors, scheduled in the month of January, 2022."

In view of submissions of learned counsel for the parties, copy of press release produced before this Court by Chhattisgarh Professional Examination Board and interim order dated 21.12.2021 in WPS No.7030 of 2021, we further direct Chhattisgarh Professional Examination Board that after accepting application forms of petitioners, who are already working as Anganbadi Worker and are above 45 years of age, shall also be permitted to appear in the examination of Anganbadi Supervisors of delimited direct recruitment, scheduled in the month of January 2022, subject to fulfilling other eligibility criteria, if petitions are not decided on merits before the date of examination.

List these cases along with WPS No.7030 of 2021.

In view of above, I.A. No.02/2021, application for hearing during winter vacation and I.A. No.03/2021, application for urgent hearing stand disposed of.

Certified copy today.

Sd/-

(Parth Prateem Sahu)
Vacation Judge

Sd/-

(N. K. Chandravanshi)
Vacation Judge