

**Smt. Sandhya Vs. the State of Madhya Pradesh**

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**SooperKanoon Citation :** [sooperkanoon.com/1042893](http://sooperkanoon.com/1042893)

**Court :** Madhya Pradesh

**Decided On :** Jul-25-2013

**Appellant :** Smt. Sandhya

**Respondent :** The State of Madhya Pradesh

**Advocate for Def. :** Shri. Rajmani Singroul

**Advocate for Pet/Ap. :** Shri. Bhoopendra Shukla

**Judgement :**

W.P.No.11959/2013 (Smt Sandhya versus State of MP and otheRs.25.07.2013  
Heard Shri Bhoopendra Shukla, learned counsel for the petitioner and Shri  
Rajmani Singroul, learned counsel for respondent no 5 on caveat, on the question  
of admission as well as interim relief.

The petitioner has filed this petition being aggrieved by order dated 18.06.2013  
passed by the respondent No.2, the Additional Commissioner, Sagar, Division  
Sagar whereby the order passed by the Collector, Sagar dated 29.06.2012 has  
been affirmed and the respondent No.5 has been appointed as Mini Aganwadi  
Worker of village Sakri, Gram Panchayat Sonpur Tahsil Rehli District Sagar.

It is submitted by the learned counsel for the petitioner that the Collector as well as  
the Commissioner have erred in properly appreciating the evidence inasmuch as  
they have ignored the fact that the respondent No.5 is not a local resident and her  
name appears in the voter list of village Parsaikhurd.

On the basis of aforesaid submission, it is submitted that the impugned order be quashed.

The learned counsel for the respondent No.5 on caveat submits that the objections in respect of residence of the petitioner as well as respondent No.5 were raised during the pendency of the appeal before the Collector who had got the matter enquired into by the Tahsildar, who, in turn, had given separate certificates to the effect that the petitioner as well as the respondent No.5 both are residents of village Sakri, Gram Panchayat, Sonpur, Tahsil Rehli District Sagar and therefore the contention of the petitioner to this effect deserves to be rejected.

Having heard the learned counsel for the parties at length and having perused the impugned order dated 29.06.2012 passed by the Collector, Sagar, it is observed that the Collector has taken into account the report of the Tahsildar while deciding the appeal of the respondent No.5 and has recorded a finding to the effect that the certificates issued by the Tahsildar, on an enquiry, in favour of both i.e. petitioner as well as respondent No.5, indicates that both of them are residents of village Sakri, Gram Panchayat, Sonpur, Tahsil Rehli, District Sagar.

It is observed that the Collector has infact allowed the appeal of the respondent No.5 only on the ground that she is older than the petitioner as both of them have obtained equal marks i.e.40 each as provided and prescribed in the policy of the State Government.

The Commissioner has affirmed the findings of the Collector.

As there is a concurrent findings regarding residence of the petitioner as well as respondent No.5 and the order passed by the Collector as well as the Commissioner are in accordance with the policy of the State Government, I find no illegality or infirmity in the impugned order.

The petition being meritless is accordingly dismissed.

(R.S.Jha) Judge msp