



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VINAY SARAF
ON THE 30th JANUARY, 2025
WRIT PETITION No. 39345 of 2024
SMT. LAXMI SHUKLA
VS.
*THE COMMISSIONER AND OTHERS***

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Appearance:

Shri Sanjay K. Agrawal – Senior Advocate with Shri Mihir Agrawal – Advocate for Petitioner.

Shri Mohan Sausarkar – Government Advocate for Respondent No.1 and 2 /State.

Shri Kailash Chandra Ghildiyal – Senior Advocate with Ms. Warija Ghildiyal and Shri Manoj Kushwaha – Advocate for Respondent No.3.

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ORDER

The present petition is filed under Article 226 of the Constitution of India assailing the order dated 29.11.2024 passed by the Commissioner Rewa Division-Rewa in RCMS No.0593/Appeal/2022-23, whereby the Commissioner has allowed the appeal preferred by respondent No.3 and set aside the appointment of the petitioner on the post of Aaganwadi worker.

2. Heard Shri Sanjay K. Agrawal, Senior Advocate with Shri Mihir Agrawal for the Petitioner, Shri Mohan Sausarkar, Government Advocate



for Respondent No.1 and 2, Shri K.C. Ghildiyal, Senior Advocate with Ms. Warija Ghildiyal and Shri Manoj Kushwaha, Advocate for Respondent No.3 for the purpose of final disposal of petition at the motion stage.

3. Short facts suffice for disposal of the present petition are that Program Officer, Integrated Child Development Services, Rewa issued an advertisement on 06.10.2026 inviting applications from eligible candidates for appointment as Aaganwadi workers for various Aaganwadi Centres including Aaganwadi Centre, Gauri. Petitioner submitted an application before respondent No.2 on 27.10.2016. Respondent No.3 also submitted an application for appointment on the post of Aaganwadi worker in Aaganwadi Centre, Gauri. A provisional select list was prepared and published on 27.02.2017, wherein the name of the petitioner was mentioned at Serial No.6 and the name of respondent No.3 was mentioned at Serial No.1. As per the guidelines issued by Women and Child Development Department, Bhopal (M.P.) on 10.07.2007 after publication of provisional list within a period of seven days aggrieved person may file objections. At the time of issuance of provisional select list on 27.02.2017, ten additional marks were not awarded to the petitioner on the ground that she belongs to Below Poverty Line and, therefore, she submitted an objection to the said provisional list claiming 10 bonus marks for BPL Category. After consideration of the objections, the Scrutiny Committee found that petitioner belongs to a category of Below Poverty Line and she has already submitted a copy of BPL Card issued in the name of her co-sister (Jethani-Kiran Shukla), wherein the name of the petitioner also available, consequently, 10 bonus marks were awarded to the



petitioner and petitioner scored Serial No.1. On 24.04.2017, final select list was published and petitioner was appointed on the post of Aaganwadi worker by appointment order dated 27.04.2017 and petitioner joined on 01.05.2017.

4. Being aggrieved by the action of Scrutiny Committee awarding 10 bonus marks to petitioner for BPL Category, the respondent No.3/Shashikala Kushwaha preferred an appeal before the Collector, Rewa, which was dismissed by order dated 28.02.2023. The respondent No.3 has assailed the order of Collector and the appointment of petitioner in appeal before the Commissioner, Rewa Division-Rewa mainly on the ground that the name of the petitioner was included in the BPL Card of co-sister (Kiran Shukla) subsequently by committing overwriting in the BPL Card therefore, the same could not be considered as genuine document by the Scrutiny Committee and at the time of preparation of provisional select list, the petitioner was correctly not considered as member of BPL Category and bonus marks were not awarded to her. It is further contended by respondent No.3 before the Appellate Authority that as per the guidelines issued by State Government dated 10.07.2007, BPL issued in favour of co-sister (Jethani) cannot be considered for the purpose of awarding bonus marks and the petitioner does not fall under the definition of family member of co-sister and, therefore, the Scrutiny Committee committed an error in awarding 10 bonus marks to the petitioner. The Commissioner Rewa Division, Rewa after considering the arguments advanced by both the parties, allowed the appeal on the ground that in the provisional select list issued on 27.02.2017,



the petitioner stood at Serial No.6 and in Column No.8 of the list, the word “*No and Overwriting*” were mentioned however, in the final select list dated 24.04.2017 in Column No.8 the word “*Yes*” has been mentioned and petitioner has been awarded 10 bonus marks and the name of the petitioner was mentioned at Serial No.1. After obtaining 10 marks for BPL Category, the petitioner scored total 59 Marks, whereas the respondent No.3 stood at Serial No.2 with 57.3 Marks. The Commissioner has also held that the BPL Card of co-sister cannot be considered for the purpose of awarding 10 bonus marks and, therefore, the petitioner has been awarded 10 bonus marks erroneously. The Commissioner set aside the selection of the petitioner as well as the order passed by Collector, Rewa in appeal.

5. Shri Sanjay K. Agrawal, Senior Advocate appearing on behalf of petitioner submits that the petitioner belongs to BPL Category and in the application itself the petitioner mentioned the BPL Card member of her co-sister Smt. Kiran Shukla, wherein the name of the petitioner was included. He further submits that the name of the petitioner was included in the Ration Card of Kiran Shukla on 30.09.2015 upon the application submitted for correction and after verification. Along with the I.A No.655/2024, the petitioner has placed the certified copy of register Format-D kept for the purpose of maintaining the record of Ration Cards, wherein the details of Ration Card of Kiran Shukla widow of Late Shri Deep Narayan Shukla is available and as per endorsement on 30.09.2015 the name of the petitioner was added. He further submits that the petitioner submitted the copy of original Ration Card along with the application, wherein the name of the



petitioner was added and counter-signed by the person, who added the name of the petitioner in the Ration Card. He further submits that the said addition was done on 30.05.2015 and, therefore, the Commissioner has committed an error in holding that there is an overwriting in the Ration Card. He further submits that when the names were added later on, the hand-writing could not be matched with the original hand-writing of the Ration Card. He further submits that as the counter signature of the competent person is available therefore, the claim of the petitioner cannot be discarded on the ground that the names were added later on. He further submits that the Ration Card issued in the name of the head of family can be considered and petitioner cannot be denied on the ground that in the Ration Card, the relation with head of family member was mentioned as co-sister. He prays for setting aside the order passed by Commissioner, Rewa.

6. Shri Mohan Sausarkar, Government Advocate appearing on behalf of respondent No.1 and 2 upon instruction submits that the name of the petitioner was included in the Ration Card of Smt. Kiran Shukla subsequently, originally it was not there in the Ration Card. He further submits that the petitioner submitted an application for appointment on 27.10.2016 along with the copy of Samagra Portal, wherein the details of family members are available which shows that the family belongs to BPL Category and the head of the family is Kiran Shukla and name of the petitioner is available at Serial No.8. He supported the order passed by Additional Commissioner, Rewa and prays for dismissal of the petition.



7. Shri K.C. Ghildiyal, Senior Advocate appearing on behalf of respondent No.3 has vehemently opposed the petition and submits that the Commissioner has rightly set aside the order of appointment on the ground that BPL Card belongs to co-sister (Jethani) could not be used by the petitioner for the purpose of bonus marks and there were over-writing in the BPL Card hence, the card is doubtful and not genuine therefore, the same could not be considered for awarding any bonus marks to the petitioner. He further submits that for the purpose of getting benefit of 10 bonus marks, the name of female member should be available in the BPL Card of her father if she is unmarried, her husband or father-in-law, if she is married and then only she can be awarded additional marks as per the guidelines dated 10.07.2007. He further submits that the 10 bonus marks were awarded to the petitioner erroneously therefore, the respondent No.3 assailed the order of appointment before Collector and, thereafter, before Commissioner, who decided the appeal in accordance with law. He prays for dismissal of the petition.

8. Shri K.C. Ghildiyal, Senior Advocate relied upon the order passed by the Co-ordinate Bench in the matter of *Smt. Satya Shukla Vs. State of M.P. and Ors.* in *WP No.11448 of 2016* decided on *13.03.2020*, wherein the Co-ordinate Bench has considered the overwriting in the BPL Card and after consideration found that the BPL Card annexed with the application was suspicious and, therefore, the candidate was not entitled to get the benefit of 10 bonus marks. He further relied on the order of Co-ordinate Bench delivered in the matter of *Preeti Shakya Vs. State of M.P. and Ors.* in *WP*



No.3519 of 2024 on *15.02.2024*, whereby the Co-ordinate Bench has held that the candidate whose name appears in the BPL Card of brother-in-law (Jeth) as wife of brother of the card holder was not entitled for 10 bonus marks in accordance with guidelines.

9. He further relied on the judgment of Co-ordinate Bench delivered in the matter of *Sunita Yadav Vs. State of M.P. and Ors.* in *WP No.7439 of 2019* on *18.08.2023*, wherein the Co-ordinate Bench after considering the circular dated 15.05.2017 has held that the documents filed along with the application can be considered and the documents submitted as a proof of BPL Category should be of prior to the date of issuance of advertisement. If any document is issued after the publication of advertisement, the same cannot be considered in light of the circular dated 15.05.2017. Learned Senior Counsel submits that the present petition is liable to be dismissed.

10. Having heard the learned counsels for the parties and after perusal of record, it appears that applications were invited on 06.10.2016 by advertisement and on 27.10.2016, the petitioner submitted an application, wherein she claimed to be a candidate of BPL Category. As per the checklist of receipt of the application signed by authorized person on behalf of respondent No.2 reflects that the petitioner has annexed the copy of Ration Card No.298/6215, wherein the name of the petitioner was included. As the name of the petitioner was included subsequently in the Ration Card of her co-sister Kiran Shukla, the Scrutiny Committee did not consider the same as genuine document and by mentioning that overwriting is there, the Committee declined to accept the petitioner as BPL candidate. When the



petitioner submitted her objection along with some other documents in support of earlier contention, the Scrutiny Committee accepted her objection and awarded her 10 bonus marks being a member of BPL Category and consequently, the petitioner scored Serial No.1 in the final selection list and has been appointed.

11. The main contention of respondent No.3 is that even if the name of the petitioner is available in the BPL Card of her co-sister, the petitioner cannot be awarded 10 bonus marks. In this context, the guidelines issued by Women and Child Development Department, State of M.P. dated 10.07.2007 is important. As per the guidelines, any woman candidate who belongs to a family of Below Poverty Line, will be awarded 10 additional marks. It is mentioned in the guidelines that evidencing the same, the name of the candidate should be available in BPL Survey List or in BPL Ration Card issued in the name of her husband, father or father-in-law.

12. It is also mentioned in the guidelines that if BPL list and Ration Card are not available then certificate issued by SDM/Tahsildar may also be accepted as evidence of BPL Category. After perusal of guidelines dated 10.07.2007, it appears that the candidate will not get 10 bonus marks on the ground that her name is available in a Ration Card of BPL Category, but 10 marks will be awarded to a candidate being a member of family of BPL. For the purpose of submitting an evidence in respect of a member of family of BPL, the BPL Survey List, BPL Ration Card in the name of her husband, father, father-in-law or the certificate issued by SDM/Tahsildar will be suffice. Meaning thereby, the copy of Ration Card is required to be filed



along with the application for the purpose of proving the fact that the candidate belongs to a family of BPL and the candidate may prove this fact by other documents also. If a candidate belongs to a family of BPL and there is no Ration Card available, but other acceptable cogent evidence is available like BPL Survey List, the candidate will be entitled to get 10 bonus marks.

13. In view of the above facts and circumstances of the present case it appears that the petitioner has submitted a copy of Ration Card of her co-sister as an evidence of belonging to a family of BPL, but as per guideline, the said evidence is not acceptable. Name of the petitioner was included in the Samagra ID on 17.10.2016, whereas the advertisement issued on 06.10.2016. It is submitted on behalf of respondent No.1 and 2 that the name of the petitioner was included in the Ration Card on the basis of Samagra ID, where in the name was added on 17.10.2016. Certificate was also issued by Panchayat on 28.02.2017 after submission of application. Petitioner has not submitted any documentary evidence on record to satisfy that the petitioner was living with the co-sister jointly and in the absence of any evidence of living along with co-sister, the BPL Card of the co-sister cannot be accepted.

14. The Co-ordinate Bench in the matter of *Preeti Shakya (supra)* has considered the relation of the candidate with the holder of BPL Card and upheld the finding of Appellate Authority that the candidate was not entitled to get 10 bonus marks on the basis of the BPL Card of her brother-in-law (Jeth). The relevant paragraphs reads as under :



“From the facts as has emerged from the record, it is revealed that in the advertisement issued in the year 2021 for the appointment on the post of Aanganwadi worker at Gram Richharikala, the petitioner and respondent no.6 had applied and in the provisional list the name of the petitioner appeared at serial no.1 with 57.9 marks with the bifurcation- 32.9 marks for higher secondary, 10 marks for graduation, 5 marks for being candidate of SC category, and 10 mark for BPL card. Though several disputes were raised, but the only dispute which appears to have been adjudicated by the Second Appellate Authority is with regard to BPL card. As per the version of the petitioner on the basis of BPL card issued in the name of one Ram Singh Shakya, wherein the name of the petitioner appears as wife of brother of the card holder, she had acquired 10 marks under the head "holder of BPL card". A dispute was raised by the present respondent no.6 that the said card was a forged document as neither the husband of the petitioner belongs to BPL category nor the petitioner and her husband are living with Ramsingh Sakya and, therefore, mere getting their names included in the BPL card of Ramsingh, would not entitle the petitioner to get 10 marks.

For the aforesaid purpose certain documents like the voter list of Gram Richharikala and extract of Electronic Ration Card Management System procured from the portal, namely, Madhya Pradesh State Food Security Portal were submitted before this Court which according to the respondent no.6 were also part of record before the Collector. From perusal of the voter list, the petitioner and her husband appears to be resident of ward no.5 whereas Ram Singh and his family members were residing in ward no. 14 of same village i.e. Gram Richharikala. Further from the list of the beneficiaries as provided under the Electronic Ration Card Management System, the family ID of the husband of the petitioner is shown to be 24448900 and the member count is shown as 4. He is also stated to be a construction worker with a particular member in the priority group whereas Ram Singh Shakya in whose name the Ration card, in which the names of the petitioner and her husband appears, finds mention at serial no.333 with a family ID no.26354621 and along with him from serial no.334 till 337 the names of his family members have been shown and their priority status is shown to be as BPL families. Thus, there is a marked difference between the family ID and the priority group of the husband of the petitioner and that of Ram Singh Shakya.

From the impugned order, though this aspect does not appears to have been adjudicated, but in absence of any proof that the petitioner and her husband were living along with Ram Singh Shakya and Ram Singh Shakya was brother of husband of the petitioner, the learned Second Appellate Court



had come to a conclusion that the 10 mark which has been awarded to the petitioner were bad and, accordingly, has deducted the said marks. This court doesn't find any good reason to hold the said finding to be bad in law.

*Accordingly, the present petition is hereby fails, admission is declined and **dismissed.***”

15. The Co-ordinate Bench in the matter of **Sunita Yadav (supra)** has held that any document issued after issuance of advertisement cannot be considered in light of the circular dated 15.05.2017. In the present matter, all the documents annexed along with the original application as an evidence of BPL Category were issued after publication of advertisement. The only document which was filed along with the application to prove the factum of BPL Category was print out of Samagra Portal, wherein the name of petitioner was available. However, from perusal of print out of the portal, it is not possible to get the date of downloading the document. As the original Samagra ID was issued in the name of Kiran Shukla on 15.08.2013, the same date was considered for petitioner also, whereas admittedly the name of the petitioner was added in Samagra ID on 17.10.2017 i.e. after issuance of advertisement on 06.10.2016. Name of the petitioner was included in the Samagra ID after issuance of advertisement and before submission of the application. The certificate was issued by Sanrpanch of Gram Panchayat on 28.02.2017, which was filed by the petitioner along with the objection. The certified copy of register was issued by Secretary to Gram Panchayat Gouri on 26.12.2024 and the said document was neither annexed with the application nor filed before any Appellate Authority. When the name of the petitioner was included in the BPL Card of Kiran Shukla is not



ascertainable, as no date is mentioned in the card and the certified copy of that card was issued on 18.05.2017.

16. In view of the above conspectus, the petitioner failed to establish that her name was available in any document as a member of BPL Category on or before issuance of advertisement and consequently, the petitioner was not entitled to get 10 bonus marks. BPL Category should be of prior to issuance of advertisement. When the name of the petitioner was included in the Samagra ID on 17.10.2016 and, thereafter, included in the BPL Card on the basis of Samagra ID, there is no cogent evidence available in respect of claim of the petitioner that on the date of advertisement, she belonged to family of BPL Category. Consequently, the petitioner is not entitled to get any relief and the petition deserves to be dismissed.

17. With the aforesaid, the present petition is dismissed. No order as to costs.

(VINAY SARAF)
JUDGE

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