**Before The Hon'ble State Administrative Tribunal At Shimla**

OA No.:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Application Under Section 19 of the Administrative Tribunals Act, 1985

Shimla Applicant

\_\_\_\_\_\_ Through, Advocate

Respectfully Sheweth :

1. Particulars of the Applicant

 As given in the Memo of Parties.

2. Particulars of the Respondents

As given in the Memo of Parties.

3. Impugned Order:

That the applicant is aggrieved by the impugned order issued by the respondents \_\_

4. Jurisdiction

That the applicant declares that the subject matter is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation:

That the applicant further declares that the application is within the limitation.

6. Facts of the Case:

6.1 That the applicant submits that \_\_\_\_\_\_

6.2 That the respondent department while calling the applicant for interview has sought for the following documents, which were duly produced by the applicant:-

(i) School Certificates (For Educational qualifications)

(ii) Certificate of permanent residence of \_\_\_\_\_\_\_\_\_\_\_\_,

(iii) IRDP Certificate

(iv) Certificate indicating that the applicant belonged to the same village and distance certificate

(v) Affidavit indicating that there is none in the Govt/Semi-govt service from the family of the applicant.

(vi) Certificate of Caste/Tribe.

(vii) Experience Certificate of any type.

6.3 That \_\_\_\_\_

**GROUNDS**

6.4 That feeling aggrieved by such an arbitrary, malafide, discriminatory and illegal actions of the respondents, the applicant seeks the indulgence of this Hon'ble Tribunal on the following grounds amongst others, which may be taken at the time of arguments, each one of which is without prejudice to and independent of others :-

(a) That the impugned order A-\_\_\_\_\_\_\_ issued by the respondent is arbitrary, malafide, illegal, ultra vires, against the Articles 14 and 16 of the Constitution of India, dehors the rules and regulations and against the natural justice.

(b) That the respondent state has formulated guidelines on \_\_\_\_\_\_ for selection/appointment of Anganwari Workers under Integrated Child Development Scheme Programme in pursuance to Civil Review Petition No. \_\_\_\_\_\_ in CWP No. \_\_\_\_\_\_ of \_\_\_\_\_\_ filed by \_\_\_\_\_\_ dated \_\_\_\_\_\_ as under:-

(i) Specific guidelines for selection/appointment be formulated which interalia, should contain specific guidelines for awarding headwise marks, ie; for Educational Qualifications, Experience etc by the Selection Committees as also specifying the authority by whom relaxation, if any, can be given.

(ii) The Selection Committee should be chaired by the representative of the Director of Welfare, who should be from outside of the ICDS Project area.

(iii) The Selection made by the Selection Committee should be monitored at the Directorate level with a view to ensuring that the selection is made in accordance with the law/guidelines.

(c) That the respondent department has not conducted selection in consonance with the above guidelines.

(d) That the respondent department while calling the applicant for interview has sought for the following documents, which were duly produced by the applicant:-

(i) School Certificates (For Educational qualifications)

(ii) Certificate of permanent residence of \_\_\_\_\_\_,

(iii) IRDP Certificate

(iv) Certificate indicating that the applicant belonged to the same village and distance certificate

(v) Affidavit indicating that there is none in the Govt/Semi-govt service from the family of the applicant.

(vi) Certificate of Caste/Tribe.

(vii) Experience Certificate of any type.

(e) That the respondents are estopped due to their own act, deed and conduct. The principle of the Promissory Estopple applies against the respondents.

(f) That the impugned order is against the well settled principles of the law as laid down by the Hon'ble Supreme Court and this Hon'ble Tribunal in catena of cases.

7. Reliefs Sought:

That the applicant, therefore, prays that your Lordship be pleased to issue an appropriate writ, orders or directions to grant the following reliefs in favour of the applicant in the interest of justice:-

(a) Quash the impugned order A-\_\_\_\_ whereby the respondent department has selected the respondent No. \_\_\_\_, being issued arbitrarily, malafide and illegally by the respondents;

(b) Direct the respondents to select and appoint the applicant against the post of Anganbari Worker on the basis of merits \_\_\_\_, with all the consequential benefits;

(c) Direct the respondents to produce all the relevant documents alongwith their reply for perusal by this Hon'ble Tribunal;

(d) Allow the cost of this OA;

(e) Pass such other order or directions as deemed fit and proper in favour of the applicant.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

8. Interim Orders, If Prayed:

(a) That it is most respectfully prayed that during the pendency of this OA the operation of the impugned order/action \_\_\_\_\_\_ of the respondents whereby they are going to appoint the respondent No. \_\_\_\_\_\_, may kindly be stayed during the pendency of this OA in the interest of justice.

9. Details of Remedies Exhausted:

That the applicant submits that since the matter being of an urgent nature, there is no other alternative speedy and efficacious remedy available to him except to approach this Hon'ble Tribunal.

10. Matter not Pending with any Other Courts Etc:

That the applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other Authority or any other bench of this Hon'ble tribunal.

11. Particulars of Court Fees:

Court fees worth Rs 50/- is attached herewith.

12. Details of Index:

An index containing the details of the documents to be relied upon is enclosed herewith.

Shimla Applicant

\_\_\_\_\_\_ Through, Advocate

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

OA No.:\_\_\_\_\_\_ of 2004

Applicant

Versus

Respondents

Affidavit in support of OA under Section 19 of the Administrative Tribunals Act 1985.

I,\_\_\_\_\_\_, do hereby solemnly, affirm and declare as under :-

1. That the accompanying OA has been prepared under my instructions.

2. That the contents of paras 1 to 12 of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

**BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT SHIMLA**

OA No.:\_\_\_\_\_\_ of 2004

Applicant

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Shimla Applicant

\_\_\_\_\_\_ Through, Advocate