



**IN THE HIGH COURT OF MADHYA PRADESH
A T J A B A L P U R
BEFORE**

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 10th OF SEPTEMBER, 2025

WRIT PETITION No.22655 of 2024

SANJU

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Anuj Pathak- Advocate for petitioner.

Ms. Supriya Singh – Dy. Government Advocate for respondents/State.

Shri V.K. Sharma – Advocate for caveator.

ORDER

1. By way of this petition, the petitioner has called into question the order Annexure P-8 dated 26.07.2024 passed by the Additional Commissioner, Shahdol Division, Shahdol in Case No.132/Appeal/2022-23. By the said order, the Additional Commissioner has allowed the second appeal preferred by respondent No.4 and set aside the order Annexure P-7 dated 25.05.2022 passed by the Additional Collector whereby the Additional Collector had confirmed the appointment of the petitioner.
2. The dispute in the present matter relates to grant of bonus marks for being BPL candidate to the respondent No.4.



3. The necessary facts for disposal of the present petition are that the process for appointment of Anganwadi Assistant was initiated in October, 2019 and the petitioner and respondent No.4 applied for the said post in October, 2019. The petitioner submitted her application on 22.10.2019 and a final selection list was drawn vide Annexure P-2. In the select list, the petitioner was at serial no.2 and the respondent No.4 was at serial no.1 and both had been granted 10 bonus marks for being BPL candidates.

4. The petitioner submitted objection for deleting BPL marks granted to the respondent No.4 and upon her objection, BPL marks granted to the respondent No.4 were deleted and the petitioner was granted appointment order by the respondent No.3 vide Annexure P-6 dated 08.11.2021.

5. The said order was upheld by the Additional Collector vide Annexure P-7 on appeal filed by respondent No.4 by holding that though the name of the husband of respondent No.4 is in BPL list but from the report called from Regional Transport Officer, Shahdol, it appears that the husband of respondent No.4 was owning Magic vehicle from 2013 up to 2021 and, therefore, the husband of respondent No.4 was disentitled for holding BPL card. On these grounds, the Additional Collector held that the respondent No.4 was not entitled to get BPL bonus marks and dismissed her appeal confirming the appointment of petitioner.



6. In appeal, the Additional Commissioner has set aside the order of Collector by considering that the respondent No.4 was in valid possession of a BPL card and the order of competent authority in the matter of BPL card stands unchallenged, and therefore, the Additional Collector could not have deleted the marks granted to respondent No.4 on account of being a BPL candidate.

7. The applications were submitted in October, 2019 and as on the date of submission of application form the husband of respondent No.4 was duly in possession of the valid BPL card. A complaint against the said BPL card was submitted vide Annexure P-3 on which the Chief Executive Officer on 26.11.2019 ordered deletion of name of husband of respondent No.4 from BPL list. The husband of respondent No.4 filed appeal against the said order before the Sub-Divisional Officer and the Sub Divisional Officer vide Annexure P-4 dated 09.12.2020 had ordered restoration of BPL card issued in favour of husband of respondent No.4. The Sub Divisional Officer has duly taken note of fact of husband of respondent No.4 being owner of the Magic vehicle. The Sub Divisional Officer has considered that the Magic vehicle was purchased on taking loan from the Bank and the Bank has already re-possessed the vehicle at least four years prior to 2020 for non-payment of installments. Upon a comprehensive consideration of the entire facts like the ownership of vehicles, property,



etc., the Sub Divisional Officer came into conclusion that the order of competent authority cancelling the BPL card deserves to be set aside and the matter has to be remanded back to the Tahsildar for consideration afresh.

8. The Tahsildar considered the matter afresh vide order dated 29.03.2022 and upon fresh consideration, the Tahsildar held that the financial condition of the family is proper to issue BPL card and ordered restoration of name of husband of respondent No.4 in the BPL list.

9. From the aforesaid events, it is clear that on the date of submission of application form as well as on the date of appointment and so also on the date of Additional Collector passing the order Annexure P-7, the husband of respondent No.4 was in valid possession of BPL card. The Sub-Divisional Officer took note of ownership of Magic vehicle which was already considered by the Sub Divisional Officer and it was held by the Sub Divisional Officer that husband of respondent No.4 appears to be only driver of the vehicle and even the vehicle has been re-possessed by the financing Bank at least four years prior to 2020.

10. The Additional Collector decided appeal in the matter of appointment of Anganwadi Assistant but the Sub Divisional Officer had decided appeal in the matter of issuance of BPL card which was not challenged further and, therefore, the findings of the Sub Divisional Officer



in the matter of issuance of BPL card had attained finality and even the consequential order passed by the Tahsildar pursuant to the direction of the Sub Divisional Officer has not been shown to be challenged further.

11. Therefore, it is evident that the respondent No.4 was entitled to get bonus 10 marks for being a BPL candidate and the order of Additional Commissioner cannot be faulted with.

12. Consequently, the petition fails and is *dismissed*.

**(VIVEK JAIN)
JUDGE**

psm