



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 17<sup>TH</sup> DAY OF DECEMBER, 2025**

**PRESENT**

**THE HON'BLE MR. JUSTICE S G PANDIT**

**AND**

**THE HON'BLE MRS JUSTICE GEETHA K.B.**

**WRIT APPEAL NO.100539 OF 2024 (S-RES)**

**BETWEEN:**

SMT. SAVITRI BHOOPAL KAMBLE  
@ SMT. SAVITRI MAYUR MASNAIK,  
AGE. 36 YEARS, OCC. NIL,  
R/O. AMBEDKAR NAGAR, RAIBAG,  
TALUK. RAIBAG, DIST. BELAGAVI-591317.

...APPELLANT

(BY SRI. DEEPAK S. KULKARNI, ADVOCATE)

**AND:**

1. THE DIRECTOR,  
WOMEN & CHILD WELFARE  
DEVELOPMENT DEPARTMENT,  
M.S. BUILDING, BANGALURU-560001.
2. THE DEPUTY DIRECTOR,  
WOMEN & CHILD DEVELOPMENT, BELAGAVI,  
TALUK & DISTRICT-BELAGAVI-590016.
3. MEMBER SECRETARY AND PROJECT OFFICER,  
CHILD DEVELOPMENT PROJECT, ICDS,  
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT,  
RAIBAG, TALUKA RAIBAG & DIST. BELAGAVI-591317.
4. SMT. SUDHARANI RAMESH KAMBLE  
AGE. 34 YEARS, OCC. SERVICE,  
R/O AMBEDKAR NAGAR, WARD NO.16,  
RAIBAG, TALUKA-RAIBAG & DIST. BELAGAVI-591317.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 TO R3;  
SRI. RAMACHANDRA A. MALI, ADVOCATE FOR R4)



THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, THAT THE IMPUGNED ORDER DATED 07-02-2023 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.111886/2019 (S-RES), IN ALLOWING THE SAID WRIT PETITION, BE KINDLY BE SET ASIDE BY ALLOWING THIS WRIT APPEAL AND CONSEQUENTLY DISMISSING THE SAID WRIT PETITION NO.111886/2019 (S-RES), FILED BY THE RESPONDENT NO.4 HEREIN, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT  
AND  
THE HON'BLE MRS JUSTICE GEETHA K.B.

### **ORAL JUDGMENT**

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Respondent No.4 before the learned Single Judge is before this Court under Section 4 of the Karnataka High Court Act, 1961, aggrieved by order dated 07.02.2023 in W.P.No.111886/2019, whereunder respondent No.4's appointment as Anganawadi worker is set aside with a direction to recover the salary, as her appointment to the post of Anganawadi worker is illegal.

2. The parties would be referred to as per their ranking before the learned Single Judge. The appellant was



respondent No.4 and respondent No.4 herein was petitioner before the learned Single Judge.

3. Heard learned counsel Sri.Deepak S. Kulkarni for respondent No.4/appellant, learned Additional Government Advocate Sri.Sharad V. Magadum for respondent Nos.1 to 3 and learned counsel Sri.Ramachandra A. Mali for petitioner. Perused the entire writ appeal papers.

4. The third respondent under notification dated 25.10.2018 called applications to fill up the post of Anganawadi worker at Raibag Pattana Panchayathi, Ward No.16 called as 'Ambedkar Nagar Anganawadi Center' and in pursuance to the said notification, the petitioner as well as respondent No.4 applied for the post of Anganawadi worker. The petitioner applied enclosing residential certificate to establish that she is the resident of Ward No.16. However, respondent No.4, who is resident of Ward No.15, applied for the post of Anganawadi worker contending that Ambedkar Nagar falls within Ward Nos.15



and 16 of Raibag Pattana Panchayathi. Respondent No.4 was selected and appointed as Anganawadi worker, Ambedkar Nagar Anganawadi Center. The said selection and appointment of respondent No.4 was challenged by the petitioner in the above stated writ petition. Learned Single Judge on the ground that the fourth respondent is resident of Ward No.15, set aside the appointment of fourth respondent as Anganawadi worker directing respondent No.2 to re-consider the issue afresh at the earliest, with a further direction to recover the salary paid to the fourth respondent, as her appointment to the post of Anganawadi worker is illegal. Questioning the said order of the learned Single Judge, petitioner is in appeal.

5. Learned counsel Sri.Deepak S. Kulkarni for respondent No.4/appellant would submit that the notification dated 25.10.2018 inviting applications for the post of Anganawadi workers would clearly indicate that the name of Anganawadi Center is Ambedkar Nagar of Raibag



Pattana Panchayathi and he further submits that Ambedkar Nagar falls within ward Nos.15 and 16 of Raibag Pattana Panchayathi. Therefore, he justifies the selection of the fourth respondent, who is the resident of Ward No.15 of Raibag Pattana Panchayathi. Learned counsel would further submit that learned Single Judge was not justified in setting aside the appointment of fourth respondent and directing recovery of salary paid to the fourth respondent, since the fourth respondent has worked as Anganawadi Worker and for the work carried out, the fourth respondent would be entitled for salary.

6. Learned counsel Sri.Deepak S. Kulkarni for respondent No.4 would invite attention of this Court to the Government order dated 23.09.2017 which lays down guidelines for selection and appointment of Anganawadi workers and submits that for selection, the Selecting Authority shall look into the Revenue Wards and selection shall not be made on the basis of Election Wards. Thus, he



submits that Ward Nos.15 and 16 of Raibag Pattana Panchayathi are Election Wards and the learned Single Judge could not have placed reliance on the Election Wards to set aside the appointment of the fourth respondent. Thus, he prays for allowing the writ appeal.

7. Per contra, learned counsel Sri.Ramachandra A. Mali for petitioner would submit that the application invited is in respect of Ward No.16 of Raibag Pattana Panchayathi and the Anganawadi Centre's name is Ambedkar Nagar. When the notification is clear with regard to Ward No.16, the fourth respondent, who is the resident of Ward No.15, would not be entitled for consideration of her case for appointment as Anganawadi worker. Learned counsel would also invite attention of this Court to the Government Order dated 23.09.2017, which lays down the guidelines for appointment of Anganawadi workers, which would state that preference shall be given to locals and further he submits that when one or more Anganawadi centers are



there in a village, the application shall be invited from the residents of a particular ward/village. Thus, he prays for dismissal of the writ appeal.

8. Learned Additional Government Advocate Sri.Sharad V. Magadum would submit that the applications were invited for the Anganawadi Center at Ward No.16, which is called as 'Ambedkar Nagar Anganawadi Center'. Thus, he would pray for passing appropriate order.

9. Having heard the learned counsel appearing for the parties and on the perusal of the entire writ appeal papers, the following points would arise for our consideration:

- a) Whether the learned Single Judge is justified in setting aside the order of appointment dated 28.05.2019 of respondent No.4?
- b) Whether the learned Single Judge is right in directing the second respondent to recover the salary paid to the fourth respondent?



10. The answer to the above points would be affirmative and negative respectively, for the following reasons:

By notification dated 25.10.2018 (Annexure-L), applications were invited for the post of Anganawadi worker at Raibag Pattana Panchayathi, Ward No.16, which is named as 'Ambedkar Nagar Anganawadi Center'. The Relevant portion of the notification reads as follows:

| ಕ್ರಮ | ಶಿ.ಅ.ಯೋ. ಹೆಸರು | ದೂರವಾಣಿ ಸಂಖ್ಯೆ | ಗ್ರಾಮ ಪಂಚಾಯಿತಿ/ಪ.ಪಂ/ಪು.ಸ/ ನ.ಸ/ ವಾರ್ಡ್ ನಂಬರ್, ಹೆಸರು/ | ಅಂಗನವಾಡಿ ಕೇಂದ್ರದ ಹೆಸರು | ಅಂಗನವಾಡಿ ಕೇಂದ್ರದ ಕೋಡ್ ಸಂಖ್ಯೆ | ಮೀಸಲಾತಿ | ಅಧ್ಯತೆ |
|------|----------------|----------------|-----------------------------------------------------|------------------------|------------------------------|---------|--------|
| 01   | ರಾಯಭಾಗ         | 08331-225292   | ರಾಯಭಾಗ (ಪಟ್ಟಣ ಪಂಚಾಯತ) ವಾರ್ಡ್ ನಂ-16                  | ಅಂಬೇಡ್ಕರ ನಗರ           | 01                           | ಪ.ಜಾ    |        |

The above makes it abundantly clear that the Anganawadi center, though it is named as 'Ambedkar Nagar Anganawadi Center', it is in Raibag Pattana Panchayathi, Ward No.16.

11. When the applications are invited specifically for Ward No.16 of Raibag Pattana Panchayathi, only residents of Ward No.16 of Raibag Pattana Panchayathi would be eligible for consideration of their cases for appointment as



Anganawadi worker. The Government Order dated 23.09.2017, which lays down the guidelines for appointment of Anganawadi worker requires preference to be given to locals and if one or more Anganawadi center is there in the village, then the applications to fill up the Anganawadi worker shall be by indicating the Ward/village.

12. The contention of learned counsel for respondent No.4/appellant herein that no application could be invited indicating the Election Ward is unsustainable in the facts of the present case since notification inviting application would not indicate as to whether it is Election or Revenue ward. The notification inviting application would only indicate that it is for Ward No.16. In the said circumstances, there is no merit in the contention of the learned counsel for respondent No.4.

13. However, learned Single Judge is not justified in directing recovery of salary paid to the fourth respondent on the ground that her appointment is illegal. It is pertinent to



note that, respondent No.4 on her appointment as Anganawadi worker has carried on her duties and for the duties performed by respondent No.4, she would be entitled for salary. A person who has worked cannot be denied the wages or salary.

14. In the said circumstances, the portion of the order of the learned Single Judge under appeal, to the extent of direction to recover salary paid to the respondent No.4 is set aside. In all other respects, the learned Single Judge's order is confirmed.

15. With the above, writ appeal stands disposed of.

**Sd/-  
(S G PANDIT)  
JUDGE**

**Sd/-  
(GEETHA K.B.)  
JUDGE**