

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.34833 of 2015

ORDER:

Heard Smt. I.K. Annapurna, learned counsel appearing for the petitioner and the learned Government Pleader for Women Development and Child Welfare appearing for the respondents 1 to 4.

2. The petitioner was appointed as an Anganwadi Helper of Centre Guduru-16, Guduru Village & Mandal, ICDS Project Kodumur, Kurnool District vide proceedings dated 06-6-2011. Her selection was by a validly constituted Selection Committee. Since the date of her appointment, she is discharging the duties of Anganwadi Worker. It is submitted by her that she passed S.S.C examination and is fully qualified and eligible for appointment to the post of Anganwadi Worker. There is a vacancy of Anganwadi Worker in Guduru villagen & Mandal, ICDS Project, Kodumur of Kurnool district, which arose in September 2015 due to the superannuation of the Anganwadi Worker who was working there. The petitioner submitted a representation to the 4th respondent to consider her claim for the post of Anganwadi Worker. She based her claim on Memo No.5771/K3/2006, dated 03-12-2010. As no action was taken on the representation submitted by the petitioner, she made several representations to the 3rd respondent for considering her promotion to the post of Anganwadi Worker.

3. While so, respondents 2 and 3 have been taking steps to fill up the vacancies of Anganwadi Workers by issuing a Notification which was published in Newspapers on 04-10-2015. The grievance of the petitioner is that by virtue of the Memo dated 03-12-2010, the respondents are under a duty to consider her case for the post of Anganwadi Worker by promotion from the post of Anganwadi Helper. It is submitted by the learned counsel appearing for the petitioner that

the petitioner being fully qualified and eligible for the post of Anganwadi Worker, she is entitled to be promoted to the post which is lying vacant.

4. On the other hand, the learned Government Pleader for Women Development and Child Welfare submitted that since the Notification was issued, there is no vacancy of Anganwadi Worker in the village of Guduru (Village 7 Mandal, ICDS Project, Kodumur, Kurnool District.

5. Perusal of the Memo dated 03-12-2010 clearly indicates that if the 4th respondent-Child Development Project Officer is satisfied with the performance of the Anganwadi Helper and if the candidate fulfills all the eligibility criteria, she shall be selected as Anganwadi Worker. Therefore, there is a clear direction to the Project Directors to appoint Anganwadi Helpers as Anganwadi Workers by promotion if they satisfy the eligibility criteria.

6. In view of the above, the writ petition is disposed of directing the respondents to consider the representation dated 19-09-2015 submitted by the petitioner, examine her case for the promotion to the post of Anganwadi Worker and pass appropriate orders thereon before filling up the said post pursuant to the Notification dated 04-10-2015 as per the Memo dated 03-12-2010. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

Date: 27.10.2015
Note: Furnish CC by tomorrow
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HON'BLE SRI JUSTICE R.KANTHA RAO

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Date: 27.10.2015

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