

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 29628 and 37142 of 2012

COMMON ORDER:

1. These two Writ Petitions are being disposed of by this common order as they relate to the appointment of Mini Anganwadi worker in respect of Leprosy colony, Narasannapeta village and Mandal, Srikakulam District.

2. The case of the petitioner in W.P.No.29628 of 2012 is that pursuant to the notification dated 10.11.2010 issued by the Revenue Divisional Officer, Srikakulam, inviting applications for the post of Mini Anganwadi worker, she along with the 4th respondent and others applied for the said post. The interviews were conducted on 07.07.2011 by the Revenue Divisional Officer, Srikakulam. She secured highest marks and accordingly she was selected as Mini Anganwadi worker, Leprosy colony, Narasannapeta, Srikakulam District. The order of appointment was issued on 27.07.2011. When she was working as Mini Anganwadi worker, the 4th respondent preferred an appeal to the 1st respondent challenging her selection and appointment on the ground that she is not a resident of Leprosy colony in Narasannapeta, but she is a resident of Santhapeta of Narasannapeta. During the hearing of appeal, she produced the residence certificate issued by the Tahsildar, Narasannapeta and nativity certificate issued by the Village Revenue Officer specifically stating that she is a resident of Leprosy colony in Narasannapeta

village and Mandal. However, the 1st respondent set aside her appointment on the ground that the Ration Card and the caste certificate issued to her by the Tahsildar, Narasannapeta, revealed that she is a resident of Santhapeta. It is her case that the residence certificate issued by the Tahsildar on 26.07.2012 showing that she is a resident of Leprosy colony of Narasannapeta was not taken into consideration and likewise the nativity certificate issued by the Village Revenue Officer dated 26.07.2012 was also not taken into consideration. In those circumstances, she filed the writ petition challenging the order passed by the 1st respondent.

3. This Court by order dated 01.10.2012 granted interim suspension of the order by specifically pointing out that the 1st respondent is the Chairman of the Selection Committee and hence he is not empowered to entertain the appeal. Seeking vacation of the said interim order, W.V.M.P.No.696 of 2013 was filed by the Government. The 4th respondent filed W.P.No.37142 of 2012 challenging the issuance of fresh notification for the post of Mini Anganwadi worker in Leprosy colony, Narasannapeta, Srikakulam District, consequent to the orders passed by the 1st respondent.

4. The counter-affidavit filed by the 3rd respondent clearly shows that the petitioner got 7 marks in the interview, whereas the 4th respondent got 5 marks. Both the petitioner as well as the 4th respondent belongs to BC-D group. The petitioner was appointed on the basis of the marks obtained by her. But, challenging the

appointment, the 4th respondent filed an appeal before the District Collector on 29.07.2011 stating that petitioner is not a resident of Leprosy colony and she is residing in Santhapeta, Narasannapeta. It was also stated that the guidelines issued in G.O.Ms.No.21 dated 24.08.2007 were not followed as it stipulates only local married candidates are eligible for appointment as Mini Anganwadi worker. Since the petitioner failed to produce any specific document to show that she is a resident of Leprosy colony, Narasannapeta, the 1st respondent passed an order on 14.09.2012 setting aside the appointment of the petitioner. It was also stated that the petitioner handed over charge to one D.Laxmi of Veerannaidu colony, Narasannapeta, on 16.09.2012.

5. A reply affidavit was filed by the petitioner in W.P.No.29628 of 2012 stating that she produced the residence certificate issued by the Tahsildar, Narasannapeta, and also the nativity certificate issued by the Village Revenue Officer specifically stating that she is a resident of Leprosy colony in Narasannapeta village and Mandal. But, the said certificates were not taken into consideration and on the basis of the Ration Card and the caste certificate issued by the Tahsildar, the 1st respondent passed an order setting aside her appointment. She belongs to Backward Class community. She also stated that the 1st respondent has no jurisdiction as no appeal provision exists in G.O.Ms.No.21 dated 24.08.2007. The copy of the order passed by the 1st respondent was served on her on 15.09.2012

and she is still continuing as Mini Anganwadi worker. She denied having handed over charge to one D.Lakshmi of Veerannaidu colony, Narasannapeta on 16.09.2012. She has completed 4 years 1 month of service as on 18.07.2016 and to that effect she filed the service certificate issued by the I.C.D.S. Project Officer, Narasannapeta, Srikakulam District.

6. The petitioner in W.P.No.37142 of 2012, who is the 4th respondent in W.P.No.29628 of 2012, stated that she filed W.P.No.23884 of 2011 challenging the proceedings dated 23.07.2011 appointing one Chintanippula Anuradha (Petitioner in W.P.No.29628 of 2012) as Mini Anganwadi worker of Leprosy colony, Narasannapeta Mandal, Srikakulam District. This Court disposed of the said writ petition on 16.09.2011 directing the District Collector, Srikakulam, to pass appropriate orders on the appeal filed by the petitioner. When no orders were passed, she filed C.C.No.679 of 2012 and the said case was closed on 24.07.2012 on noticing that the District Collector has fixed the date of hearing for consideration of the case. She filed the present writ petition challenging the action of the respondents in issuing fresh notification and fresh appointment for the post of Mini Anganwadi worker.

7. This Court carefully perused the order passed by the 1st respondent, the District Collector, and it reads as follows:

“Perused the relevant records and evidence on record. In this case, the contention of the appellant is

that Smt. Chintanippula Anuradha is resident of Santhapeta and not residing in Leprosy colony, Narasannapeta and hence she is not eligible for appointment as Mini-AWW. Smt.Chintanippula Anuradha did not produce any certificate issued by the Tahsildar, Narasannapeta, in support of her residence. In the Ration Card No.WAPO12223900232, dated 17.11.2005 of Chintanippula Anuradha, her address was noted as Door No.17-73 B, Santhapeta. In the Caste Certificate No.10987/2010 dated 15.11.2010 issued to her by the Tahsildar, Narasannapeta, it was mentioned that she is resident of Santhapeta.

In G.O.Ms.No.21, WDCW&DW (ICDS) Department, dated 24.08.2007, it was stipulated that the candidate for Mini-AWW should be a local married woman.

Since, it is established beyond doubt that Smt. Chintanippula Anuradha is not a local candidate of Leprosy colony, Narasannapeta, the order of the RDO, Srikakulam, issued in the reference 1st read above appointing her as Mini-AWW, Leprosy colony, Narasannapeta, is hereby set aside.

The Project Director, DW&CDA, Srikakulam, is directed to issue fresh notification for the post of Mini-Anganwadi Worker, Leprosy colony, Narasannapeta, and conduct fresh appointment in this regard."

8. The District Collector has not taken into consideration the residence certificate issued by the Tahsildar, Narasannapeta, on 26.07.2012 containing the name of the street. The filing of such a

document was evidenced by the averment made in the counter-affidavit filed by the 3rd respondent. The 1st respondent set aside the appointment of the petitioner on the ground that the Ration Card and the Caste Certificate issued by the Tahsildar, disclosed that she is a resident of Santhapeta. He passed the order under misconception. In view of the residence certificate dated 26.07.2012 issued by the Tahsildar, Narasannapeta, and the nativity certificate issued by the Village Revenue Officer, this Court has no doubt with regard to the residence of the petitioner as being a native of Leprosy colony of Narasannapeta village and Mandal, Srikakulam District.

9. In the circumstances, the order passed by the 1st respondent dated 14.09.2012 is set aside and W.P.No.29628 of 2012 is allowed. Consequently, W.P.No.37142 of 2012 is dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

16-09-2016

Gsn