

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21599 of 2007

ORDER:

This Writ Petition is filed questioning the selection of the 4th respondent as Anganwadi Worker in Chittozipally Village of Chegunta Mandal.

2) It is the specific case of the petitioner that pursuant to the Notification issued on 04.10.2006, so far as the Chittozipally Village, four candidates applied for the appointment as Anganwadi Workers and two candidates were declared to be disqualified leaving only two candidates and so far as the 4th respondent is concerned, as on the date of Notification, she had only passed 7th class and thus she was ineligible to be selected as Anganwadi Worker. However, appointment orders were issued in favour of the 4th respondent due to undue influence exerted by the local politicians. Hence, this writ petition is filed seeking Writ of Mandamus to declare the selection of the 4th respondent as Anganwadi Worker made in pursuant to the recruitment Notice Circular Memo No.396/06, dated 03.10.2006 issued by the 1st respondent, and consequently direct the respondents 1 to 3 to consider the petitioner for appointment to the post of Anganwadi Worker as per her eligibility and suitability.

3) Counter affidavits are filed by the 1st respondent as well as the 4th respondent.

4) In the counter affidavit filed by the 1st respondent, the allegation made by the petitioner that the 4th respondent does not have requisite qualification was accepted by stating that the 4th

respondent passed 7th class and discontinued 10th class from Maharshi Dayanandna High School, Narsingi (Village), Chegunta Mandal. However, it was stated that the 4th respondent approached this Court by filing W.P.No.13722 of 2007 and pursuant to the Order dated 01.06.2009 passed in W.P.M.P.No.17219 of 2007 in W.P.No.13722 of 2007, 4th respondent came to be appointed at Anganwadi Worker.

5) 4th respondent in her counter affidavit while contending that the petitioner herself is not qualified to be appointed as Anganwadi teacher, on account of the fact that she is not resident of the Chittozipally village and she cannot file the writ petition. She further contends that she is better experienced than the petitioner as prior to her appointment as Anganwadi Worker, she worked as Early Childhood Education (in short "E.C.E.") Instructor from January, 2002 onwards and taking note of the experience gained she was selected. She is also native of Chittozipally village by birth, whereas, the writ petitioner is residing in the village only after 2004 onwards. Therefore, she cannot be treated as a native of Chittozipally village. Further, she contends that she has undergone training course for AWWs from 02.03.2008 to 31.03.2008 and she has been discharging her functions diligently. She further stated that she has passed 10th class during 2010 as a private candidate and further acquired experience. Hence, she prays for dismissal of the writ petition.

6) Heard the learned counsel for the petitioner, the learned Government Pleader for the 1st respondent and the learned counsel for the 4th respondent.

7) Learned Government Pleader submits that though in the counter affidavit of the 4th respondent it was mentioned that she was appointed as Anganwadi Worker, he submits that as a matter of fact 4th respondent was absorbed as Anganwadi Worker on account of entrustment vide proceedings in R.C.No.320/D/S.S.A./E.C.E./No.482/A1/2006, Dated 12.06.2006, issued by the District Collector and Chairman, S.S.A., Medak District, Sangareddy. Learned Government Pleader further submits that erstwhile E.C.E. centers under Sarvasiksha Abhiyan scheme were transferred to ICDS Women's Development Department and as such the E.C.E. center of Chittozipally village of Chegunta Mandal was transferred to ICDS Women's Development under the ICDS scheme, on account of the same 4th respondent was absorbed into as Anganwadi Worker and as on date the 4th respondent is qualified in all respects. He further submits that the order in W.P.No.13722 of 2007 had become final.

8) Having considered the respective submissions, as of date the fact of the matter is that the 4th respondent came to be appointed as Anganwadi Worker and has been working since 21.08.2007 and as of date she is qualified as Anganwadi Worker. There is ambiguity with respect to that aspect whether she was appointed pursuant to the Notification or absorbed by transfer from the E.C.E. scheme. Be that as it may, as on date the 4th respondent is discharging her duties. However, it also cannot be said that petitioner was not qualified and was not entitled to be selected, as admittedly, pursuant to the Notification issued calling for applications for appointment of Anganwadi Workers, there was only four candidates, who had applied for the Chittozipally (V)

center and in the ultimate analysis it was only the petitioner, who was qualified and eligible to be appointed. In those circumstances, the denial of the appointment of the petitioner in pursuance to the appointment of the 4th respondent is illegal and not justified. In those circumstances, interest of justice would be served if a direction is issued to the respondent authorities to consider the case of the petitioner and accommodate her in anyone of the vacancies arises in anyone of the villages as Anganwadi worker in future. The entire exercise of the consideration shall be completed within a period of three months from the date of receipt of this order.

9) With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

Date:21.12.2016
Ssv

CHALLA KODANDA RAM, J.