

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION Nos. 29626 and 37199 of 2012**

**COMMON ORDER:**

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

2. The case of the petitioner in W.P.No.29626 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 Anganwadi worker, she along with the 4<sup>th</sup> respondent and another woman, P.Durga, applied for the said post. The interviews were conducted on 12.05.2011 by the Revenue Divisional Officer, Srikakulam. She secured highest marks and accordingly she was selected as Anganwadi worker, Nakka Veedhi, Narasannapeta, Srikakulam District. The order of appointment was issued on 27.07.2011. When she was working as Anganwadi worker, the 4<sup>th</sup> respondent preferred an appeal to the 1<sup>st</sup> respondent challenging her selection and appointment on the ground that she is not a resident of Nakkaveedhi in Narasannapeta, but she is a resident of Desavanipeta 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

Nakkaveedhi in Narasannapeta village and Mandal. However, the 1<sup>st</sup> respondent set aside her appointment on the ground that the certificate drawn from Mee Seva does not contain the name of the street. It is her case that the residence certificate issued by the Tahsildar on 01.08.2012 showing that she is a resident of Nakkaveedhi 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. There is no provision in Mee Seva for including the name of the street. In those circumstances, she filed the writ petition challenging the order passed by the 1<sup>st</sup> respondent.

3. This Court by order dated 01.10.2012 granted interim suspension of the order by specifically pointing out that the 1<sup>st</sup> 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.614 of 2013 was filed by the Government. The 4<sup>th</sup> respondent filed W.P.No.37199 of 2012 challenging the issuance of fresh notification for the post of Anganwadi worker in Nakkaveedhi, Narasannapeta, Srikakulam District, consequent to the orders passed by the 1<sup>st</sup> respondent.

4. The counter-affidavit filed by the 3<sup>rd</sup> respondent clearly shows that the petitioner got 7 marks in the interview, whereas the 4<sup>th</sup> respondent got 5 marks. Both the petitioner as well as the 4<sup>th</sup> respondent belong to BC-D group. The petitioner was appointed on

the basis of the marks obtained by her. But, challenging the appointment, the 4<sup>th</sup> respondent filed an appeal before the District Collector on 29.07.2011 stating that petitioner is not a resident of Nakkaveedhi and she is residing in Desavanipeta, 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 Anganwadi worker. On the basis of certificate drawn from Mee Seva, which does not contain the column of the street, the 1<sup>st</sup> 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 N.Venkatalaxmi of Desavanipeta, Narasannapeta, on 16.09.2012.

5. A reply affidavit was filed by the petitioner in W.P.No.29626 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 Nakkaveedhi in Narasannapeta village and Mandal. But, the said certificates were not taken into consideration and on the basis of the certificate drawn from Mee Seva, which did not contain the name of the street, the 1<sup>st</sup> respondent passed an order setting aside her appointment. She belongs to Backward Class community and a widow. She also stated that the 1<sup>st</sup> 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 1<sup>st</sup> respondent was

served on her on 15.09.2012 and she is still continuing as Anganwadi worker. She denied having handed over charge to one N.Venkata Lakshmi of Desavanipeta, 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.37199 of 2012, who is the 4<sup>th</sup> respondent in W.P.No.29626 of 2012, stated that she filed W.P.No.23214 of 2011 challenging the proceedings dated 23.07.2011 appointing one Patta Bhagya Lakshmi (Petitioner in W.P.No.29626 of 2012) as Anganwadi worker of Nakkaveedhi, Narasannapeta Mandal. This Court disposed of the said writ petition on 18.08.2011 directing the District Collector to pass appropriate orders on the appeal filed by the petitioner duly giving an opportunity to the said Bhagya Lakshmi. When no orders were passed, she filed C.C.No.678 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 Anganwadi worker.

7. This Court carefully perused the order passed by the 1<sup>st</sup> 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. Patta Bhagyalakshmi is resident of Desavanipeta and not residing in Nakka Veedhi, Narasannapeta and hence she is not eligible for appointment as AWW, Nakka Veedhi, Narasannapeta. During the personal hearing on 10.09.2012, Smt. Patta Bhagyalakshmi produced the residence certificate issued by the Tahsildar, Narasannapeta dated 10.09.2012 to the effect that she is resident of Narasannapeta. In the certificate it was not specified that she is residing in Nakka Veedhi, Narasannapeta. She could not produce any specific document to prove that she is residing in Nakka Veedhi, Narasannapeta.

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

Since, it is established that Smt. Patta Bhagyalakshmi is not a local candidate of Nakka street, Narasannapeta, the orders issued by the RDO, Srikakulam, in the 1<sup>st</sup> read above selecting her as AWW, Nakka Veedhi, Narasannapeta, are hereby set aside.

The PD, DW&CDA, Srikakulam, is directed to issue fresh notification for the post of AWW, Nakka Veedhi, 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 01.08.2012 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 3<sup>rd</sup> respondent. The 1<sup>st</sup> respondent proceeded on the basis of the residence certificate drawn from Mee Seva, which did not have a provision of recording the name of the street. He passed the order under misconception. In view of the residence certificate dated 01.08.2012 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 Nakkaveedhi of Narasannapeta village and Mandal, Srikakulam District.

9. In the circumstances, the order passed by the 1<sup>st</sup> respondent dated 14.09.2012 is set aside and W.P.No.29626 of 2012 is allowed. Consequently, W.P.No.37199 of 2012 is dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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A.RAMALINGESWARA RAO, J

16-09-2016  
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