

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.8638 and 8643 of 2009

-

COMMON ORDER:

Both the writ petitioners, who had attended the interview conducted on 30.01.2008 for selection of the posts of Anganwadi Workers in Mahabubnagar District, question the action of respondent Nos.2 and 3 in appointing respondent No.4, in their respective writ petitions, as Anganwadi Workers, as contrary to the merit and in terms of the selection proceedings of the Committee.

2. Heard Sri A.Kranti Kumar Reddy, learned counsel for the petitioners, learned Government Pleader for Women Development and Child Welfare appearing for respondent Nos.1 to 3 in both the writ petitions.

3. The petitioner in W.P. No.8638 of 2009 appeared for interview under reserved category of Backward Class for the post of Anganwadi Worker in Amrabad village, Mahabubnagar District, as per the notification dated 13.09.2007. It is not in dispute that the petitioner is qualified in terms of the qualifications notified in G.O.Ms.No.11 dated 18.06.2007 and G.O.Ms.No.21 dated 24.08.2007. The selection process, as notified in the respective G.Os., is to be conducted by a Selection Committee consisting of the District Collector/ Chairperson, D.W. & CDS as Chairperson and Local M.L.A., where ICDS Project is located, D.M. & H.O./ Additional D.M. & H.O., CDPO of concerned ICDS Project as

members, besides Project Director, DW & CDA as Member Convener. The selection criteria is as set out in the G.O.Ms.No.11 as well as G.O.Ms.No.21 along with memo No.5/R3/2007 dated 03.07.2007.

4. As per the material placed before this Court, the petitioner in W.P. No.8638 of 2009 is at serial No.72 in the merit list in the statement showing the particulars of applicants for the post of Anganwadi Workers for Amrabad village and secured total marks of 7.95; whereas, respondent No.4, figuring at serial No.85, secured total marks of 4.73 only. Likewise, petitioner in W.P. No.8643 of 2009, who appeared for the post of Anganwadi Worker in Padara village, Amrabad Mandal, was figuring at serial No.264 with total marks of 5.15; whereas, respondent No.4 was figured at serial No.265 with total marks of 4.93. In other words, both the petitioners are more meritorious and secured highest marks in the criteria notified and followed by the Committee consisting of the members referred above. The marks are awarded taking into consideration of the percentage of marks obtained in SSC, Experience AWH/ECE (2 marks), Widow without children / with children (1 or 2 marks), Experience WHV / Asha / CHW (1 mark) and Disability (1 mark). In other words, the very tabular form prepared by the Committee itself would indicate the parameters which are required to be taken into consideration by the Committee in awarding of the marks. However, in the counter affidavit, it is stated that the finalization of the selection list by the Chairperson is on account of the recommendation of the M.L.A., who is the

member in the Selection Committee and the marks alone cannot be the criteria for selection of Anganwadi Workers. The marks secured in SSC alone are not the criteria. It is a specific case of the petitioners that they obtained overall higher marks in the selection process. In that view of the matter, the selection criteria is not based on only educational qualifications, but the criteria is as set out and followed by the Committee. In the process of conducting interviews, after examining the respective qualifications of the candidates, the overall marks are the only criteria, which is available for assessment. The respondent-authorities repeatedly stated in the counter affidavit that the marks secured in SSC are not the only criteria. The two G.Os., which have been referred to above, do not indicate any other criteria, particularly, taking into consideration of the financial status of an individual candidate is absent. G.O.Ms.No.21 dated 24.08.2007 lists out the criteria as hereunder:

"The candidate should have completed 21 years of age and not completed 35 years of as on 1st July of recruiting year (21-35 years age group).

The candidate should be a local married woman.

A candidate for the post of Anganwadi Worker must have passed class X.

However, if no 10th class passed candidate is available, a candidate with the next highest qualification may be selected. Only in tribal projects.

A candidate for the post of Anganwadi Helpers / Mini Anganwadi Worker, must have passed class VII. If no such candidate is available, a candidate with the next highest qualification may be considered.

In the Anganwadi Centre / Mini AWC earmarked for SC habitations, only SC candidate should be selected.

In the Anganwadi Centre / Mini AWC earmarked for ST habitations, only ST candidate should be selected."

5. There is no other criteria particularly the criteria with respect to individual candidates' financial status as being one of the criteria for selecting a person as a suitable for appointment of Anganwadi Workers being absent ignoring the relative merit of the petitioners and appointing respondent No.4 for the said post is arbitrary and contrary to the selection procedure evolved by the authorities themselves. The respondent No.1 being the District Collector, could not have ignored the Selection Committee's comparative merit list merely on account of the interference of the M.L.A., particularly when local M.L.A. is also a part of the Selection Committee. Once the M.L.A. participates in the selection process, he has no independent rule thereafter and he could not have made any further recommendation to the District Collector and even if such recommendation is made to the District Collector, the District Collector, being a public servant, ought to have rejected and adhered to the notified procedure and selected the candidates purely on merit.

6. In the present cases, the writ petitioners deserve to succeed, as the very process of selection in favour of respondent No.4 is vitiated for external consideration other than the meritorious status.

7. Accordingly, both the Writ Petitions are allowed and the petitioners shall be given appointment orders in the place of respondent No.4 within a period of four (4) weeks from the date of receipt of a copy of the order. There shall be

no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in these writ petitions, shall stand closed.

CHALLA KODANDA RAM,J

Date: 04.01.2016

siva