

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4920 of 2011

Dated : 22.07.2016

Between:

Rayi Ramadevi W/o Narayana Rao, Aged 20 years,
r/o Palavalasa village, Gurla Mandal, Vizianagaram
District.

.... Petitioner

And

Zilla Lok Siksha Samithi, Vizianagaram District,
Vizianagaram, rep. by the Chief Executive Officer,
Zilla Parishad and the Member Coordinator,
Vizianagaram Zilla Parishad, Vizianagaram and
others.

....Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4920 of 2011

ORDER :

In the year 2010, notification was issued calling for applications for selection for appointment of two Village Coordinators under Sakshara Bharathi Scheme (Adult Education) in Palavalasa Gram Panchayat. The petitioner and the 7th respondent have applied for the said assignment. By proceedings dated 20.07.2010, the 7th respondent was appointed as Village Coordinator of Palavalasa village. Petitioner challenges the said appointment.

2. Heard Sri P.Durga Prasad, learned counsel for the petitioner and Sri Ravi Cheemalapati, learned standing counsel representing respondents 5 and 6. None appeared for respondents 1 to 4 and 7 even though notices were served.

3. Learned counsel for the petitioner contends that petitioner is more meritorious and qualified person than the 7th respondent, whereas illegal selections were conducted and ignoring the petitioner, 7th respondent was appointed and the same is *ex facie* illegal.

4. Learned standing counsel contends that according to the Government Orders, no two persons can be appointed from the same hamlet. In Palavasala Gram Panchayat, there are two hamlets i.e., Nallacheruvu and Nakkalapeta. There was no response from Nakkalapeta hamlet and from Nallacheruvu, only 7th respondent applied and by following the norms prescribed in G.O.Rt.No.203, Education (P.E.PROG.I) Department, dated 13.03.2010, she was selected as Village Coordinator.

5. As seen from the averments in the counter affidavit, there were 17 applicants. Out of which, one application was from Nallacheruvu hamlet and 16 applications from Palavalasa village. Out of 17 applications, one application was rejected, 16 were considered, one person from the main village

and the 7th respondent were selected. Counter affidavit do not give details of relative assessment of the respective candidates. A reading of the counter affidavit would disclose that the respondents justify appointment of 7th respondent only on the ground that 7th respondent was the sole applicant from Nallacheruvu hamlet and since there was no response from Nakkalapeta and in terms of the guidelines prescribed in G.O.Rt.No.203, the respondent authorities had no option, but to select the 7th respondent.

6. G.O.Rt.No.203, envisages the selection of Village Coordinators. The requirement as prescribed under the heading of Selection of Village Coordinators reads as under:

“Selection of Village Coordinators:

Essential

- i) Possess minimum qualification of 10th class pass
- ii) A resident of the same village
- iii) Not exceeding 35 years age as on 1.4.2010
- iv) Out of the (2) Coordinators, one Coordinator must be a women belonging to Self help groups.
- v) Another Coordinator must be among Prerak/Nodal Prerak / Assistant Prerak/ Assistant Nodal Prerak/ Literacy Volunteer
- vi) Both the Coordinators shall not be selected from the same hamlet of the Gram Panchayat
- vii) Preference shall be given to deprived classes.”

7. Respondents emphasis on the 6th point extracted above in support of selection of 7th respondent. A plain reading of the instructions would show that in a given situation, where more than one post of Coordinator is required to be filled in a Gram Panchayat and there is good response from the hamlets of Gram Panchayat, ordinarily no two persons from the same hamlet should be selected. In other words, the restriction imposed is on selection of more than one person from one hamlet. In the instant case, there was no response from Nakkalapeta hamlet and only one candidate responded from Nallacheruvu hamlet. Rest of the candidates belong to Palavalasa village. A plain reading of the relevant instructions in G.O.Rt.No.203 do not support the stand of

respondents. There is no bar on appointment of more than one persons belonging to the main village.

8. As Government Order do not impose any such restriction, the understanding of the respondents is erroneous and selection of 7th respondent on that ground without holding proper selection is not sustainable and is accordingly set aside. Matter is remanded to the District Collector, Vizianagaram, directing to conduct fresh selection for the post of Village Coordinator in Palavalasa Gram Panchayat to the post occupied by the 7th respondent. It is made clear that the selection of other candidate is not disturbed as no challenge is made to his selection. The entire exercise, as directed above, shall be completed within a period of two months from the date of receipt of copy of this order. Since the 7th respondent has been continuing as Village Coordinator for more than 6 years, until selections are finalized, she is allowed to continue on provisional basis.

9. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

Date: 22.07.2016
kkm

P.NAVEEN RAO,J

Date : 22.07.2016

 kkm