

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42362 OF 2015

ORDER:

The second respondent issued a notification on 03.10.2015 inviting applications for the post of Anganwadi Workers in various ICDS Centres of Chagalamarri Mandal of Kurnool District. The petitioner along with respondent No.5 and others submitted their applications enclosing the relevant documents. Interviews were held on 24.11.2015 and respondent No.5 was selected. Though respondent No.5 is a resident of Chagalamarri Village and belongs to O.C. community, she was selected as Anganwadi Worker treating her as belonging to S.C. community and resident of Godiganur-I Village. Challenging the selection of respondent No.5, the writ petition was filed.

2. Respondent No.4 filed a counter affidavit stating that the petitioner got 60 marks whereas respondent No.5 got 66 marks and respondent No.5 was selected basing on the marks obtained by her.

3. Respondent No.5 filed a separate counter stating that the Tahsildar, Revenue Department of Chagalamarri issued a Certificate stating her Community, Nativity, Date of Birth and Income and it clearly shows that she is a native of Godiganur-I Village and not Chagalamarri Village, as alleged by the petitioner. Though she was a resident of Chagalamarri Village initially, she migrated to Godiganur-I Village after her marriage. She further states that the voters list as well as the post office savings bank account clearly show that she is a resident of Godiganur-I Village. However, her name was removed from the voters list and she submitted a representation to correct the same. With regard to her selection under S.C. category, she states that the respondent authorities have erroneously mentioned that she belongs to S.C. community.

4. The petitioner filed a reply affidavit disputing the averments made by respondent No.5 and stating that pursuant to the interim order passed by this Court in the present writ petition, the second respondent directed the Tahsildar, Chagalamarri to enquire into the matter and submit a report and the Tahsildar in turn conducted an enquiry and submitted his report on 11.01.2016 stating that respondent No.5 is the resident of Chagalamarri Village but not the Godiganur Village of Chagalamarri Mandal. Basing on the said report of the Tahsildar, the second respondent issued proceedings on 24.01.2016 directing the Revenue Divisional Officer, Nandyal to examine the issue and cancel the Residence Certificate of respondent No.5 as the said certificate was issued by the incharge Tahsildar.

5. Learned counsel for the petitioner submits that it is clear from the report of the Tahsildar that respondent No.5 is a resident of Chagalamarri Village and she should not have been appointed as Anganwadi Worker.

6. Learned counsel for respondent No.5 and the learned Government Pleader submit that respondent No.5 was rightly appointed as Anganwadi Worker.

7. Now the points that arise for consideration are whether respondent No.5 is a resident of Godiganur Village where she was appointed and whether her appointment is in compliance with the conditions mentioned in the notification.

8. After filing the writ petition, the Tahsildar, Chagalamarri Mandal enquired into the matter and submitted his report on 11.01.2016 to the second respondent. Basing on the same, the second respondent issued proceedings on 24.01.2016 to the Revenue Divisional Officer, Nandyal to examine the issue and cancel the Residence Certificate of respondent No.5. These developments were suppressed by respondent No.4 in her counter affidavit.

9. In view of the enquiry conducted by the Tahsildar, Chagalamarri Mandal in which no notice was issued to respondent No.5, this Court remands the matter to the second respondent for taking appropriate proceedings in accordance with law and examine the issue whether the appointment of respondent No.5 is in accordance with the conditions mentioned in the notification dated 03.10.2015 and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order.

10. The Writ Petition is accordingly disposed of. No costs.

11. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 18.08.2016

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