

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 7896 of 2007

ORDER:

- 1) Heard learned counsel for the petitioner and Government Pleader for Women Development and Child Welfare. In spite of service of notice there is no representation on behalf of the unofficial respondent.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus calling for the records relating to selection and appointment of the 5th respondent as Anganwadi Worker of Ganganapalle Harijanawada, Ganganapalle Panchayat, Pendlimarri Mandal, Kadapa District, pursuant to the interview held on 09.02.2007 and to declare the same as illegal, irregular, arbitrary, unjust and without jurisdiction.
- 3) The averments in the affidavit filed in support of the writ petition would show that the petitioner, who belongs to poor S.C. community, is a resident of Ganganapalle Harijanawada. She is working as Instructor in the Early Child Education (ECE) Centre in Ganganapalle Harijanawada since 2001. It is urged that the 5th respondent is not a resident of Ganganapalle Harijanawada as her name was not shown in the voters list of the said village and she is also not having any ration card. It is further stated in the affidavit that the 5th respondent and her husband are residing in Kopparthi Village, C.K.Dinne Mandal, Kapada District. Though the

5th respondent is not a local candidate of Ganganapalle Harijanwada, she was appointed as Anganwadi Worker without following the norms issued by the Government from time to time. Challenging the same the present writ petition came to be filed.

4) By an order, dated 17.04.2007, while admitting the writ petition, this Court passed the following interim order.

“Heard both sides. If the appointment order is not yet issued to 5th respondent, the official respondents are directed not to issue appointment order, until further orders. Notice.”

5) The 3rd respondent filed counter denying the averments made in the affidavit filed in support of the writ petition. It is stated in the counter that the State Government issued orders constituting a selection committee at District level consisting of the District Social Welfare Officer, Revenue Divisional Officer, Child Development Project Officer and Medical Officers of the Primary Health Centre for selection of Anganwadi worker, in each project. It is also stated in the counter that as the selection committee was not satisfied with the performance of the petitioner in written and oral test felt that there was no point in giving preference to her. Hence, pleaded that the selection of 5th respondent is not illegal, irregular and contrary to norms and guidelines.

6) Learned counsel for the petitioner mainly submits that the authorities erred in selecting the 5th respondent as anganwadi

worker though she is not resident of the village. In support of the same, he placed reliance on the certificates said to have been issued by the Panchayat Secretary and counter-signed by the Sarpanch of the village. Learned counsel for the petitioner also submits that the 5th respondent has no ration card in the village and her name is also not reflected in the voters list of the village.

7) The Government Pleader placed on record the statement showing the merit particulars of the candidate appeared for interview. In one of the columns it was shown that the 5th respondent is resident of Ganganapalle village. He further submits that the Panchayat Secretary is not the competent to certify that the 5th respondent is not resident of the said village.

8) Having regard to the above, the issue that boils out for consideration is whether the 5th respondent herein is resident of Ganganapalle Harijanawada Village as on the date of notification.

9) Since no concrete and legal material is placed on record to show as to whether the 5th respondent is resident of Ganganapalle Harijanawada Village, it would be appropriate to direct the Mandal Revenue Officer/Tahsildar, Pendlimarri Mandal, to verify and enquire into the matter and submit a report before the Selection Committee, through the Collector concerned, within a period of two (02) weeks from the date of receipt of a copy of the order. Basing on the said report, orders of appointment be issued either to the petitioner or 5th respondent. The Registry is directed to communicate a copy of the order to the Mandal

Revenue Officer/Tahsildar, Pendlimarri Mandal, Kadapa District,
immediately.

10) With the above direction, the writ petition is disposed of.
There shall be no order as to costs.

11) Consequently, miscellaneous petitions, if any, pending in
this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.03.2017
gkv

