

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.9177 OF 2006

ORDER:

The present writ petition came to be filed declaring the action of the respondents in not giving priority to the earlier service rendered by the petitioner as E.C.E. (Early Childhood Education) Instructor, for appointment to the post of Anganwadi Worker, as discriminatory, illegal and arbitrary.

The averments in the affidavit filed in support of the writ petition would show that pursuant to the notification, dated 19.12.2005, the petitioner herein made an application for the post of Anganwadi Worker with her experience rendered as ECE Instructor. It is the case of the petitioner that she belongs to B.C-D community and hails from Padalapeta Village of Vizianagaram Mandal and she also passed S.S.C., in Second Division during the year 1996. She was selected as Instructor in ECE in September, 1998 and has been working as such at Padalapeta Village since then. After rendering unblemished service for a period of eight years, the petitioner applied for the post of Anganwadi Worker by virtue of her experience. It is urged that in view of G.O.Ms.No.49, dated 02.05.2000, wherein there is a convergence of ECE component of DPEP with Anganwadi Worker under ICDS, she claims priority for her service as E.C.E. Instructor.

This Court, by an order, dated 28.04.2006, while admitting the writ petition, directed the authorities not to fill up the post of Anganwadi Worker in Padalapeta Centre until further orders.

A counter affidavit came to be filed by the respondents stating that two persons, including the petitioner, applied for the post of Anganwadi Worker. It has been specifically stated in paragraph 3 of the counter affidavit that no specific directions have been issued by the Government to appoint Early Child Education Instructors as Anganwadi Workers. Further, the Commissioner and Director of School Education, Andhra Pradesh,

Hyderabad, has issued instructions, dated 11.06.2002 that the instructors and helpers of the Early Child Education Centers may be continued with the approval of the Mother Committee. The Joint Collector, Vizianagaram conducted interview and selected Smt Rongali Saraswathi of Padalapeta Village as Anganwadi Worker. Coming to the claim of the petitioner is concerned, it is stated that the husband of the petitioner was working as a Driver in APSRTC and his post is transferable post. It is further stated that the petitioner has not continuously living in the same village. Regarding the other candidate's claim is concerned, it is stated that her husband is an agricultural labour in the same village.

At the stage, it is to be noted that Smt Rongali Saraswathi was selected as an Anganwadi Worker, but no application has been made till date to implead the said candidate as a party to the writ petition.

Learned counsel for the petitioner submits that G.O.Ms.No.15, dated 04.04.2012, issued by the Department for Women, Children (ICDS) Disabled and Senior Citizens, specifically states that weightage marks of 10 is given to the candidates, who are working as ECE Instructors. It is to be noted that the said G.O., came to be issued in the year 2012, but the interview was held for the post of Anganwadi Worker in the year 2005. In view of the same, no weightage marks can be given to the petitioner herein as the said G.O., was issued much later to the date of interview of the petitioner for the post of Anganwadi Worker.

Learned counsel for the petitioner also relies on G.O.Ms.No.49, dated 02.05.2000, and submits that even the said Government Order also specifies that weightage to be given to the persons working as ECE Instructors. The said G.O., i.e., G.O.Ms.No.49, dated 02.05.2000 only prescribes that as the integrated child development services (ICDS), women development and child welfare and disabled welfare department are also working for the cause of child development in response to the demands and it has been decided to

converge the ECE, component of DPEP (education department) by providing financial assistance to the willing and existing Mothers committee of the Anganwadi centre. Further, clause 3 of the said G.O., reads as under.

3. Government hereby formulate a scheme of assistance to the Mother committee, who are willing and come forward to avail of such assistance as envisaged herein to implement the scheme duly following the guidelines at annexure I to the order. The Government therefore issue orders for implementation of the scheme in 19 DPEP Districts i.e., others then East and West Godavari Districts, Krishna and Hyderabad Districts with immediate effect.

By reading of the above two clauses, it cannot be said that preference has to be given to those who have worked as ECE Instructors. Except the G.O.Ms.No.15, which is issued subsequent to the interview of the petitioner for the post of Anganwadi Worker, the learned counsel for the petitioner could not place any document supporting his plea. In view of the same, the submission of the learned counsel for the petitioner that the petitioner can be given priority for appointment of Anganwadi Worker cannot be accepted. However, if fresh interviews are to be conducted for the post of Anganwadi Worker, the petitioner's candidature may be considered if she is otherwise eligible and she may be given weightage marks as per G.O.Ms.No.15, dated 04.04.2012, if it is still in force.

With the above observations, the writ petition is disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

C.PRAVEEN KUMAR, J

08.03.2017
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