

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.NO.30820 OF 2017

O R D E R

The case of the petitioner, as per the averments made in the affidavit filed in support of the writ petition, is that she has been working as Mini Anganwadi Worker at Karthalapalem village for the last six years. One Smt. Madamala Varalakshmi, who was working as Anganwadi Worker at Karthalapalem village, expired. So the petitioner made representation dated 9.8.2016 to the 5th respondent – Revenue Divisional Officer, requesting to appoint her as Anganwadi Worker in the existing vacancy. The 5th respondent made endorsement on the said representation, requesting the 6th respondent – Child Development Project Officer, ICDS Project, Mandasa, Srikakulam District, to examine and communicate the same to the office of the 5th respondent. While the representation of the petitioner is pending consideration, the 6th respondent issued impugned notification dated 21.07.2017 calling for applications for filling up the vacancies in notified centres, including the vacancy of Anganwadi Worker of Karthalapalem -2 Anganwadi Centre under open category. Aggrieved by the same, the present writ petition came to be filed.

The learned counsel for the petitioner reiterating the above facts would submit that as per memo No.5771/K3/2006 dated 5.1.2012 issued by the 2nd respondent – Commissioner, Women Development and Child Welfare Department, if the post of Anganwadi Worker is vacant in the same village where Anganwadi Helper is qualified, she has to be considered for appointment as Anganwadi Worker provided, she fulfills the conditions laid down in G.O.Rt.No.102 Department for Women, Children, Disabled and Senior Citizens (ICDSA 1) dated 28.03.2011. The learned counsel further submits that the petitioner fulfills the eligibility and suitability criteria. But the 6th respondent without considering his representation, issued the impugned notification. A learned single Judge of this court in similar facts and circumstances in W.P.No.31374 of 2015 and batch dated 16.11.2015 passed common order setting aside the recruitment notification and directed the respondents to consider the case of the petitioners therein, for appointment/promotion as Anganwadi Workers in the respective villages, subject to their eligibility and suitability in the existing vacancies. Therefore, the learned counsel sought to pass similar orders.

The learned Assistant Government Pleader for Women and Child Welfare, on instructions, does not dispute the same.

The relevant facts and the direction in the order dated 16.11.2015 in W.P.No.31374 of 2015 and batch is as under:

“In all these writ petitions, the petitioners are working as Anganwadi Helpers and seeking for appointment as Anganwadi workers in the form of promotion. The petitioners challenge the recruitment notification issued to fill up the posts of Anganwadi Workers in the respective villages where the petitioners are presently working as Anganwadi Helpers.

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12. Accordingly, the recruitment notifications challenged in all the writ petitions are set aside and consequently, the respondents are directed to consider the petitioners for appointment/promotion as Anganwadi Workers in the respective villages subject to their eligibility and suitability in the existing vacancies of the respective villages. Such consideration shall be completed within a period of four (4) weeks from the date of receipt of a copy of the order. The Writ Petitions are, accordingly, allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.”

Having regard to the facts and circumstances of the case and the order of the learned single Judge of this court dated 15.11.2015 in W.P.No.31374 and batch, the impugned recruitment notification 21.07.2017 pertaining to Karthalapalem-2 Anganwadi Centre, is set aside and the respondents are directed to consider the petitioner for appointment/promotion as Anganwadi worker in the existing vacancy at Karthalapalem-2 Anganwadi Centre, subject to her eligibility and suitability. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date:19—09—2017

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