

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38107 OF 2015

Dated:16.02.2017

Between:

K. Suvarna, W/o. Nagaseshaiah,
Aged bout 46 years, Anganwadi Helpers,
Center Code 100, Sriramnagar,
Kurnool Urban Project, Kurnool
District and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Women Development
And Child Welfare Department, Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Learned counsel for the petitioners submits that the petitioners do not intend to prosecute the Writ Petition insofar as petitioner Nos.1, 3, 4 and 6 are concerned.

2. In view of withdrawal of the Writ Petition insofar as petitioner Nos.1, 3, 4 and 6 are concerned, this Writ Petition now concerns only with regard to petitioner Nos.2 and 5.

3. Learned counsel for the petitioners as well as learned Government Pleader Women Development and Child Welfare submit that the subject matter of the Writ Petition is covered by the decision of this Court in W.P.No.31374 of 2015 and batch, dated 16.11.2015, wherein this Court at paragraphs 9 to 12 held as under:

“9. The issue of consideration of Anganwadi Helper for appointment/promotion as Anganwadi Worker has come up for consideration before Supreme Court in the case of **State of Himachal Pradesh and others v. Punra Devi¹**. A reading of the judgment would show that administrative instructions which are termed as rules were notified by the State. Rule 4 of the said rules prescribe that consideration of persons for appointment to Anganwadi Centres should be from the feeder areas of Anganwadi Centres. In furtherance to the said rules notified on 19.06.2010, further instructions were issued on 10.05.2012 by the Himachal Pradesh Government, which *inter alia* prescribes the consideration of Anganwadi Helper of a particular Anganwadi Centre for appointment as Anganwadi Worker. It, thus, appears that in Himachal Pradesh, the instructions are very clear that only an Anganwadi Helper in an Anganwadi Centre alone is entitled

¹ 2015 Law Suit (SC) 275

to be considered for appointment as Anganwadi Worker in that centre and not outsiders. Considering the said rules/instructions of Himachal Pradesh Government, the Hon'ble Supreme Court held that a direction to consider the respondents therein for appointment as Anganwadi Worker of a different Centre though of the same village as not valid in law and the appeal filed by the State of Himachal Pradesh was allowed.

10. As noticed above, in the instant case, there are only three instructions of the State Government governing appointment of Anganwadi Workers. These three instructions, more particularly the last of the instructions, dated 05.01.2012, clearly point out that an Anganwadi Helper of a village is entitled to be considered for appointment as Anganwadi Worker in the same village and no further restriction is imposed. Thus, the restrictions as imposed in Himachal Pradesh, i.e., consideration of an Anganwadi Helper of the same Anganwadi Centre are not imposed in the State of Andhra Pradesh. I am, therefore, of the opinion that the principle laid down by the Supreme Court in the above decision has no application in view of the specific instructions issued by the State of Andhra Pradesh.

11. As clarified by the learned Assistant Government Pleader, insofar as recruitment to the post of Anganwadi Helpers and Anganwadi Workers are concerned, though the scheme is evolved by the Government of India and the financial burden is shared by the Central Government and the State Governments in the ratio of 75:25, the recruitment policy is left to be decided by the respective States. Thus, insofar as the State of Andhra Pradesh is concerned, as evident from the three circulars relied upon by the learned counsel for the petitioners, the restriction is only residency in the concerned village and not the feeder areas of the respective Anganwadi Centres within the village. Thus, as long as eligible Anganwadi Helpers were available in a village, there is no justification in resorting to the open market recruitment to fill up the vacancies of Anganwadi Workers in the respective villages. Said decision is contrary to the orders of the Government on the subject.

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 copy of the order. The Writ Petitions are, accordingly allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.”

4. Following the said judgment, dated 16.11.2015, in W.P.No.31374 of 2015 and batch, the recruitment notification published in newspapers on 12.09.2015 is set aside and the respondents are directed to consider petitioner Nos.2 and 5 for appointment/promotion as Anganwadi Workers in two centres of Atmakur Project, Kurnool District and Gudur Village of Kodumuru Project, Kurnool District, subject to their eligibility and suitability in the existing vacancies. Such consideration shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly allowed insofar as petitioners 2 and 5 and is dismissed as withdrawn insofar as petitioners 1, 3, 4 and 6. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:16.02.2017

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