

THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.25734 of 2007

ORDER:

This writ petition is filed for the following relief:

“to issue a writ, order or direction more in the nature of a Writ of Mandamus declaring the impugned orders No.205/07 dated 30.10.2007 issued by the Child Development Project Officer, I.C.D.S., Chintapally, Nalgonda District as illegal, arbitrary, unjust and violative of Arts.14 and 16 of the Constitution of India and consequently hold that the petitioner is entitled for selection and appointment to the post of Anganwadi Worker of Kothalapuram Village, Gorrumpode Mandal, Nalgonda District with all consequential benefits.”

The petitioner sought for appointment to the post of Anganwadi Worker of Kothalapuram Village after setting aside the order passed by the 1st respondent.

The petitioner has averred in her affidavit that she belongs to SC category and resident of Kothalapuram Village, Gurrampode Mandal, Nalgonda District. The 3rd respondent issued notification published on 11.09.2007 inviting applications for filling up of the post of Anganwadi workers in Nalgonda District. She passed SSC in March, 2001 and had requisite qualification for the post of Anganwadi worker and she was also a local candidate. She applied for the post of Anganwadi worker. She secured 363 marks in SSC examination while the 4th respondent secured 257 marks in SSC examination. She reliably learnt that 4th respondent was non-local of Kothalapuram Village and she is resident of Naddivarigudem of Gurrampode Mandal. Therefore, the petitioner has sought for appointment as Anganwadi worker.

The 1st respondent-the Child Development Project Officer, I.C.D.S., Chintapally, Nalgonda District filed counter-affidavit denying the averments in the affidavit of the petitioner. Firstly, it is submitted that the petitioner has secured 11 marks, and 4th respondent has secured 20 marks, in the interview conducted on 23.10.2007. The 4th respondent is resident of Kothalapuram Village of Gurrampode Mandal, Nalgonda District, and she is a local candidate. Therefore, there is no violation of any rights of the writ petitioner and prays to dismiss the writ petition.

Heard Sri P.Narsimha, learned counsel for the petitioner and Sri Nandigama Krishna Rao, learned Government Pleader for Women Development and Child Welfare Department, Telangana.

Learned counsel for the petitioner mainly contended that the writ petitioner has got all the qualifications for getting selected as Anganwadi worker. She has secured 363 marks in SSC examination while the 4th respondent secured 257 marks, and the petitioner is more meritorious but the 4th respondent was selected who got lesser marks.

As far as this contention is concerned, learned Government Pleader submitted that the selection of Anganwadi worker was made by conducting interview by the Selection Committee, as per rules. The Selection Committee has conducted interview and in the said interview, the petitioner has secured 11 marks, whereas the 4th respondent secured 20 marks and therefore, she was selected.

Hence, from the above submission, it is evident that the petitioner secured 363 marks in SSC examination, whereas the 4th respondent secured 257 marks in SSC examination is of no consequence for the post.

The selection of Anganwadi worker was not based on the marks in SSC examination but it was based on the interview marks. Therefore, there are no merits in his submission as the marks secured in SSC examination is one of the criteria for selection as Anganwadi worker. SSC examination was only the prescribed qualification for applying for the post of Anganwadi worker.

The other contention of the learned counsel for the writ petitioner is that the writ petitioner is the local candidate, whereas the 4th respondent is non-local candidate and she is resident of Naddivarigudem Village.

Learned Government Pleader produced certified copies of several documents like 1) residential certificate, dated 20.09.2007, 2) transfer certificate issued by the school authorities, 3) community, nativity and date of birth certificate, 4) income certificate, 5) ration card, 6) house site allotment certificate issued by the District Collector, 7) letter of 10 villagers of Kothalapuram Village dated 07.12.2007 and 8) letter issued by the Sarpanch, Mosangi Grampanchayat dated 22.11.2007, to prove that the 4th respondent is a resident of Kothalapuram Village.

On consideration of the overwhelming documentary evidence produced by the learned Government Pleader, it can safely be concluded that the respondent is a resident of Kothalapuram Village and therefore, she is a local candidate. As such there is no violation of any fundamental rights of the petitioner in the selection process. Therefore, I do not see any merits in the writ petition and the same is liable to be

dismissed. There is no irregularity and illegality in the selection process to interfere with.

In the result, the Writ Petition is dismissed. There shall be no order as to costs.

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

GUDI SEVA SHYAM PRASAD,J

Date : 20.03.2017
ssp

