

HON' BLE Dr. JUSTICE B.SIVA SANKARA RAO

W.P. No.5671 OF 2007

ORDER:

The Petitioner by name Smt.G.Gangulamma, W/o.Dayananad, Vankapalli Village, Tanakala Mandal, Anantapur District maintained the writ petition under Article 226 of Constitution of India against the respondents 1 to 3 viz., 1) District Selection Committee of Anganwadi Workers Anantapur District, rep. by Chairman, District Collector, Anantapur, Anantapur District, 2) ICDS Project Director, Women Development & Child Welfare Department, District Committee of Anganwadi Workers, Anantapur, Anantapur District and 3) Smt.C.Sulochana, W/o.Mohan Reddy and daughter of Thimma Reddy, near Chalapathi School, Kadiri Town of Anantapur District for the following relief:

“..to issue an order, writ or direction more particularly in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the action of respondents 1 and 2 selecting/ appointing 3rd respondent in proceedings No.1652/ A/ 06, dated 30.01.2007 for the post of Anganwadi Worker in I.C.D.S Project-Kadiri East, At Vankapalli Village, Tanakala Mandal, Anantapur District as illegal, arbitrary, unjust and violative of Article 14, 15 of Constitution of India and guidelines relating to appointment of Anganwadi workers and Consequently direct the respondents 1 and 2 to set aside the said proceedings and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

2) The brief averments of the writ petition are that pursuant to the notification issued by the respondent No.1 to the post of Anganwadi worker for Vankapalli, I.C.D.S Project, Kadiri

(E), Tanakal Mandal, Anantapur District, the petitioner applied for the same and was called for the interview on 29.11.2006 at 9.00 am in the office of Mandal Revenue Officer, Kadiri, Anantapur District. She attended the said interview and all her testimonials and originals were submitted including copies of residence certificate and date of birth certificate. She passed SSC and also intermediate, belongs to B.C (B) group, aged about 30 years and being the local candidate she is eligible in all respects for said post. The respondent No.3—Smt.Sulochana also applied for the post, who belongs to OC community, passed only SSC in Compartment Division, a non-local candidate being resident of Kadiri Town and Mandal and does not belongs to Tanakal Mandal where Vankapalli is situated, which is the notified post of Anganwadi worker. Respondent No.3 also does not have experience and got less marks including in SSC when compared to the petitioner and her selection and appointment is contrary to the Rules. Despite no eligibility and no qualification pursuant to the notification, selection of respondent No.3 is outcome of political pressures by respondent Nos.1 and 2, which is in violation of Rules. She made several requests to set-aside the appointment order in favour of 3rd respondent and consider her eligibility from the qualification and experience and also local candidature that was turned with deaf ear illegally by the respondent Nos.1 and 2. The respondent No.3 has no eligibility for selection and appointment much less to continue but for the petitioner and thereby, the said proceedings are liable to be set-aside.

3) Learned Government Pleader representing respondent No.2 filed counter affidavit disputing the petition averments, with regard to selection of 3rd respondent—Smt.Sulochana, saying her selection is as per law and within the eligibility stipulations prescribed. It is the submission that in pursuance of the notification, applications were received for the post of Anganwadi worker and interviews were fixed and conducted on 05.12.2016 from 9.00 am at the Mandal Revenue Office, Kadiri, wherein five candidates of Vankapalli Village, Tanakal Mandal, Anantapur District applied including the petitioner Smt.G.Gangulamma and submitted their residential and nativity certificates issued by the Mandal Revenue Officer, Tanakal Mandal and attended for interview produced their testimonials and after verification and on merits only the selection was done. Basing on the nativity certificate, respondent No.3 is considered for her candidature as she is more qualified than the petitioner and thereby she is selected and petitioner could not be. The 3rd respondent studied upto 10th class. The petitioner is also studied upto 10th class. Thereby both are equally qualified. However, in the interviews conducted, 3rd respondent has performed well and thereby she was considered and appointed as Anganwadi worker. The writ petition is thereby, meritless and is liable to be dismissed.

4) The enclosures of the counter affidavit of 2nd respondent show the 3rd respondent is C.Sulochana, W/ o.Mohan Reddy, R/ o.Vankapally Village and Post, but no door number was given in her application was dated 22.02.2016. The nativity

certificate issued by Secretary, Tanakal Mandal, shows she is resident of Vankapally Village but herein also no door number was mentioned. Whereas SSC certificate of said C.Sulochana, D/o.C.Thimma Reddy, issued by the Government Junior college, Tanakal shows she studied SSC and passed in March, 1998 with Date of Birth 04.03.1983. The income certificate issued by MRO, Tanakal shows she is resident of Tanakal with income of Rs.9,000/- per annum.

5) Coming to the petitioner, she is also resident of Vankapally Village, Tanakal Mandal, with DOB 25.08.1977 and the income certificate issued by MRO, Tanakal shows Rs.9,000/- per annum.

6) From these two, no doubt, the petitioner is aged to the 3rd respondent and the petitioner is a first class student in SSC when compared to 3rd respondent, who is an ordinary student, and petitioner belongs to BC-B community, whereas 3rd respondent belongs to OC community and the marks awarded basing on the performance in the interview of the respondent No.3 or thus not filed. The petitioner not even filed rejoinder to the counter affidavit in disputing the said factum much less to call for the original interview marks list of what are the marks awarded from the performance of the respective candidates and the guidelines not even called for much less filed as to interview marks is criteria or not for the performance.

7) Notification filed since shows, it depends on minimum eligibility and final selection is based on only from performance in the interview. This Court could not find *per se* any illegality in the absence of showing further substantiate the attack on the selection as illegal much less to set-aside the appointment of the 3rd respondent or to declare the petitioner as if duly selected.

8) Accordingly and in the result, the writ petition is dismissed. No order as to costs.

9) Consequently, pending miscellaneous petitions, if any, shall stand dismissed.

Dt. 15.03.2017
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Dr. B. SIVA SANKARA RAO, J



HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date: .03.2017

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