

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.39237 OF 2014

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for respondents 1 to 4 and the learned counsel for the fifth respondent.

The petitioner belongs to Scheduled Caste community and completed Xth Class in the year 2012. She has been residing in Atchutapuram Village due to her marriage with her husband. Her husband has been working as a daily wage coolie and all the family members are dependent on his income. Previously one Scheduled Caste woman was working as Anganwadi worker in respect of Atchutapuram-1 unit and more than 50% of the population in that habitation belong to the Scheduled Caste community. The previous Anganwadi worker died in the month of September, 2013 and as a result of the same, the post fell vacant. While so, on 13.10.2014, a notification was issued for filling up of the post of Anganwadi worker, Atchutapuram-1 unit, earmarked for Scheduled Caste community. Since the petitioner fulfilled the eligibility criteria, she applied to the said post. A call-letter was also issued to her on 07.11.2014 by the fourth respondent wherein she was directed to attend the office of the third respondent for the purpose of interview on 10.11.2014.

However, on 09.11.2014, the fourth respondent called her on telephone and directed not to attend the interview and stated that further date would be communicated. It appears that the fourth respondent issued a paper publication on 13.11.2014 inviting applications for Anganwadi workers of Atchutapuram-1 unit stating that the Anganwadi workers post of Atchutapuram-1 unit was earmarked for Backward Caste-A category by making amendment to the earlier notification. As per the Roster point, Atchutapuram-1 unit goes to B.C. (A) category instead of Scheduled Caste candidate.

The impleaded fifth respondent stated that pursuant to the notification dated 13.11.2014, she appeared for the interview and she was selected also. However, by virtue of the interim orders passed by this Court on 22.12.2014, the fifth respondent was not permitted to join duty. Seeking vacation of the order dated 22.12.2014, WV.MP.No.2803 of 2016 was filed by the Government whereas WV.MP.No.4867 of 2017 was filed by the impleaded fifth respondent.

Since the issue related to reservation of Atchutapuram-1 unit, this Court called for record from respondents 1 to 4 and they produced the record. It clearly showed that 28 centres were filled up by following hundred-point Roster issued in G.O.Ms.No.65 dated 15.02.1997 and in the hundred-point Roster, 29-point was earmarked for BC-A candidate and in view of the same, they

issued an amendment to the notification dated 13.10.2014 by issuing another notification on 13.11.2014.

This Court noticed that the reservation for 29-point is meant for BC-A candidate only. When the register is perused, the centre numbers are indicated haphazardly and there was a correction in respect of Sl.No.29 and now it is written as annexure-I. The register shows that the cadre strength of Anganwadi workers is 225 and 220 Anganwadi workers are working. It clearly shows that the register is not being properly maintained.

Be that as it may, since a notification was issued on 13.11.2014 and the fifth respondent was selected pursuant to the said notification, this Court is not inclined to continue the stay granted on 22.12.2014. However, the second respondent is directed to recast the Roster register in respect of the centres under the ICDS Project as the rule of reservation is implemented taking the ICDS Project as unit as per G.O.Ms.No.39 dated 06.09.2011. There should not be any scope for arbitrary reservation of centres. The entire Roster register shall be recast by taking the centres in alphabetical order and applying the Roster points whenever vacancies arise in future. The existing candidates shall be retained in the respective centres. As per the recast Roster points, notification shall be issued and the register shall be a permanent register.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

13th December 2017
RRB

