

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 37389 of 2015

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of respondent No.4 in issuing notification dated 06.10.2015 inviting applications for filling up the posts of Anganwadi Workers in Kadapa District including Pulivendula ICDS Project without considering the individual representations dated 28.07.2015 and 29.07.2015 submitted by the petitioners for promotion to the posts of Anganwadi workers despite possessing the requisite qualification and eligibility criteria, as illegal, arbitrary and unconstitutional. A consequential direction is also sought to the respondents to consider the case of the petitioners as Anganwadi Workers in their respective Anganwadi Centres in terms of Circular instructions issued by the Government in Memo No.9207/ICDS/A1/98-1, dated 23.12.1998 and Memo No.5771/K3/2006 dated 05.01.2012.

2. Heard Sri K. Janaki Rami Reddy, learned counsel for the petitioners, and learned Government Pleader for Women Development and Child Welfare Department, appearing for the respondents.

3. It is contended by the petitioners that they have been working as Anganwadi Helpers in their respective Anganwadi Centers in Pulivendula Mandal of Kadapa District since 2012. While so, the 1st respondent issued a Circular Memo No.9207/ICDS/A1/98-1 dated

23.12.1998 wherein the Government issued certain instructions and directed the CDPOs to see that preference is given to eligible Anganwadi Helpers in the selection of Anganwadi Workers. Subsequently, the 2nd respondent vide Memo No.5771/K3/2006 dated 05.01.2002 gave clarification that if the post of Anganwadi Worker is vacant in the same village where Anganwadi Helper is qualified, she may be considered to be appointed as Anganwadi Worker. Basing on the same, the petitioners submitted their individual representations on 28.07.2015 and 29.07.2015 to the 4th respondent seeking to consider their case for the posts of Anganwadi Workers by giving preference in terms of the Memo dated 23.12.1998. It is further contended that without considering their case and knowing fully well that the petitioners are eligible and qualified for the posts of Anganwadi Workers, the 4th respondent issued a notification dated 06.10.2015 inviting applications for the posts of Anganwadi Workers. In those set of circumstances, the present writ petition is filed.

4. On 18.11.2015 when the matter came up for admission, this Court granted interim stay of the impugned notification.

5. Learned Government Pleader for the respondents has contended that mere fulfilling the eligibility criteria would not entitle an Anganwadi Helper to be appointed straightaway as Anganwadi Worker. There are certain other conditions that are to be fulfilled by each Anganwadi Helper for appointment to the post of Anganwadi Worker. In this connection, he has drawn the attention of this Court

to G.O.Rt.No.102, Department for Women, Children, Disabled and Senior Citizens (ICDS-A1), dated 28.03.2011, and also the Memo dated 23.12.1998.

6. In view of the submissions made by the parties, this Court is of the considered view that the writ petition can be disposed of with a direction to the respondents to consider the representations of the petitioners and pass orders thereon.

7. Accordingly, the writ petition is disposed of, directing the respondents to consider the individual representations of the petitioners dated 28.07.2015 and 29.07.2015 for appointment to the posts of Anganwadi Workers and pass orders thereon, within a period of eight (8) weeks from the date of receipt of a copy of this order, if they fulfill the conditions as set out in G.O.Rt.No.102, dated 28.03.2011, and Memo dated 23.12.1998. Pending such consideration, the services of the petitioners should be continued as Anganwadi Workers.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd April, 2018
cbs

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(disposed of)

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