

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25491 OF 2012

Date: 24.09.2018

Between:

P.Prameela, w/o. Prasad, Aged about 29 years,
V.Venkatapuram (V), Vemsoor Mandal, Khammam
District.

.....Petitioner

and

Government of Andhra Pradesh, rep.by its Principal
Secretary, WDCW & DW(ICDS) Department,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25491 OF 2012

ORDER:

On 05.08.2012 recruitment notification was issued to fill up 15 vacancies of Anganwadi Workers in Integrated Child Development Scheme (ICDS) Projects under the control of District Women and Child Development Project, Khammam district. Petitioner is concerned with the vacancy in Venkatapuram falling into Vemsoor Mandal of Kallur Project area. This vacancy was initially meant to be filled up by the open competition, but later same was changed and is shown as reserved to BC-A (General) category. Petitioner is challenging the change in the roster and reserving the vacancy for BC-A General.

2. In the counter-affidavit, respondents do not dispute that as per the original roster, vacancy was intended to be filled up by the open competition. However, the respondents sought to justify the change of reservation on the ground that existing Anganwadi Worker, who was working in Thallamada village, Sathupalli mandal, transferred to Maseed area Anganwadi Centre, submitted representation on 30.07.2012 contending that she was not willing to join in Maseed Area Anganwadi Center and requested to cancel her transfer order and to continue in Thallamada village. In view of said request, her transfer order was kept in abeyance. As her transfer from Thallamada was kept in abeyance, the roster was revised and in the revised roster, Venkatapuram has fallen to BC-A category.

3. It is appropriate to note that Anganwadi Worker post in Thallamada village was earlier earmarked to BC-A (General) category. In other words, the only justification shown by respondent is that as

incumbent working in Thallamada declined her transfer to Maseed area Anganwadi Center, the roster points are changed.

4. As briefly noted above, once the roster points were already determined and vacancy in Venkatapuram is meant to be filled up by open competition, merely because the incumbent of Thallamada Anganwadi Center, who declined her transfer and transfer order was kept in abeyance is no ground to change roster points. Furthermore, even according to respondents, said Anganwadi Worker transfer order was not cancelled. Furthermore, once a decision is taken to notify the vacancy treating Venkatapuram Anganwadi Worker as meant to be filled up by open competition and roster points were determined, the authority could not have acceded to the request of person against her transfer and revise the roster points. It is settled principle of law that an employee cannot insist to work in a particular place. Moreover even according to respondents, her transfer was not cancelled at least by the time the counter-affidavit is drafted and filed. I see no justification to change the roster and to treat the Venkatapuram Anganwadi Center as reserved for BC-A contrary to the earlier decision reserving the vacancy as open competition vacancy. The notification is set aside to that extent and respondents are directed to take steps to fill up the Anganwadi Worker vacancy in Venkatapuram Anganwadi Center treating it as meant for open competition by following due process. Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 24.09.2018
kkm

HONOURABLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.25491 OF 2012

Date: 24.09.2018

kkm