

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26711 of 2018

Date : 7.8.2018

Between:

Vasamsetty Veeralakshmi W/o Rambabu
27 years
R/o D No. 3-127, Venkatapuram village,
RAngampeta mandal
E G District

....Petitioner

And

The State of AP
Rep by its Principal Secretary
Women Devp.Child Welfare and Disabled Welfare (ICDS)
Department
Amaravathi at Velagapudi,
Guntur and others

....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO.26711 OF 2018****ORAL ORDER:**

Heard learned counsel for petitioner and learned Government Pleader and with their consent the writ petition is taken up for disposal at the admission stage.

2. Respondent No.4 issued notification vide Rc.No.51/B/2018 dated 18.07.2018 calling upon interested candidates to apply for the posts of Anganwadi worker/Mini Anganwadi worker/Anganwadi helper at Rangapmet Mandal. In the notification, Respondent No 4 specified qualifications as well as rule of reservation for the posts, wherein for the post of Anganwadi worker in Anganwadi center of Venkatapuram -I with code No.10 was prescribed for open competition. Petitioner filed the present writ petition challenging the action of Respondent No 4 in issuing notification vide Rc.No.51/B/2018 dated 18.07.2018 wherein the post of Anganwadi worker is kept for open competition category and not reserved for BC category as applied previously following the rule of reservation.

3. According to learned counsel petitioner Venkatapuram-I Anganwadi center was reserved for Backward Classes. Earlier incumbent belonged to backward classes. Due to her resignation vacancy arose in the said center. Since the post was earlier occupied by person belonging to backward classes and is now vacant it has to be earmarked only to backward classes. That being so, illegally the vacancy is now shown as open competition vacancy depriving the backward class people to compete for the said vacancy.

4. According to learned Government Pleader reservation is not applied based on individual centers but the centers are grouped and reservation principle is followed. According to learned Government Pleader, no center is identified as reserved for a particular social group. According to him principle of reservation is applied only from the year 2012 whereas Smt. Anusuri Manga was appointed as Anganwadi worker in the year 2002 and she was appointed as a matter of course and not because she belongs to backward classes. He would further submit that the contention of the petitioner that this Anganwadi Center is located in thickly populated backward classes is not correct and there are more open category people than backward classes.

5. No material is brought on record to show that Venkataputam-I Anganwadi center is reserved for backward classes. As contended by learned Government Pleader the incumbent was appointed in the year 2002 and reservations in the cadre of Anganwadi Worker was introduced for the first time in the year 2012. According to learned Government Pleader reservation principle is not applied to a particular center but overall reservation principle is observed by clubbing Anganwadi centers. Reservation principle is followed strictly and required percentage of reservation for backward classes is applied and accordingly in the notification reservation points to various social groups are shown. This contention of learned Government Pleader is not disputed by the learned counsel for petitioner.

6. Incidentally, if incumbent belonged to backward classes, cannot *per se* mean that the post was permanently

reserved to backward classes. More so, when the respondents assert that they are not adopting the principle of reservation center-wise but applying reservation by clubbing few centers into a group. In view of the same not reserving the Venkatapuram-I Anganwadi center to Backward Classes cannot be faulted.

7. I therefore do not see any infirmity in the impugned recruitment notification warranting interference by this court. Writ petition is accordingly dismissed. Miscellaneous petitions, if any pending, are closed.

DATE: 7-08-2018
TVK

P NAVEEN RAO,J



HONOURABLE SRI JUSTICE P. NAVEEN RAO



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