

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1 of 2019

Minakshi Das

....

Appellant

Mr. Shashibhusan Jena, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Debakanta Mohanty, AGA for State
Mr. J. Biswal, Advocate for Respondent No.6

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
22.11.2022**

Order No.

05. 1. The challenge in the present writ appeal is to an order dated 12th November, 2018 passed by the learned Single Judge allowing W.P.(C) No.22890 of 2011 filed by Respondent No.6 herein, whereby she questioned the cancellation of an advertisement for the appointment of Anganwadi Worker (AWW) at Itukura-2 Anganwadi Centre (AWC) under Mahanga Block, district-Cuttack, pursuant to which, Respondent No.6 had in fact been selected as AWW.
2. By the impugned order, the learned Single Judge has come to the conclusion that there was no valid reason why the advertisement should have been cancelled and thereby set aside an order passed by the Additional District Magistrate (ADM) on 30th May, 2011, in an appeal filed by the present Appellant, remitting the matter to the

Selection Committee for a fresh selection by issuing a fresh advertisement.

3. The background facts are that in Podamarai Gram Panchayat under Mahanga Block, a new AWC was created in the name of Itukura-II AWC by including some five villages. A notification/advertisement was issued on 30th April, 2010 for engagement of AWW at the said centre.

4. Both the present Appellant and Respondent No.6 applied. It may be mentioned that the present Appellant was working as an Anganwadi Helper at Itukura AWC-I.

5. On 15th May, 2010 a provisional merit list was published in which, Respondent No.6 secured the first position. For reasons not clear, the advertisement dated 30th April, 2010 was cancelled by an order dated 30th July, 2010 and intimation was sent to the ADM, Cuttack to engage the present Appellant as AWW in respect of the Itukura-II AWC. Respondent No.6 challenged the said decision before the ADM. By the order dated 30th May, 2011 the ADM directed the Sub-Collector, who was the Chairman of the Selection Committee, to go in for a fresh selection.

6. It is the said order of the ADM which was challenged by Respondent No.6 in the aforementioned W.P.(C) No.22890 of 2011.

7. The learned Single Judge noted that the present Appellant, although impleaded in the writ petition, did not file any counter

affidavit. On the basis of the available pleadings, the learned Single Judge found that no reasons were disclosed why the advertisement dated 30th April, 2010 was cancelled and why the selection process that had validly proceeded pursuant thereto with the merit list being published on 15th May, 2010 should not be given effect to. In these circumstances, the order of the ADM was set aside and a direction was issued to proceed in terms of the merit list prepared on 15th May, 2010.

8. Learned counsel appearing for the Appellant was unable to point out to this Court what reasons weighed with the authorities to cancel the advertisement dated 30th April, 2010 when a validly prepared merit list was published on 15th May, 2010 and with nothing erroneous found with such list. Apart from saying that the present Appellant has been working as Anganwadi Helper since 1999, there appears to be no particular reason why the advertisement dated 30th April, 2010 should have been cancelled.

9. The mere fact that the Appellant may have continued as Anganwadi Helper does not *ipso facto* create any vested right in the Appellant to be selected as AWW and to continue as such. This Court is unable to appreciate what factors weighed with the authorities to cancel the advertisement. The counter affidavit filed in the present appeal by the Child Development Project Officer (CDPO), Mahanga also throws no light on this aspect.

10. Consequently, the Court is unable to find any error having been committed by the learned Single Judge in setting aside the order dated 30th May, 2011 of the ADM and directing the authorities to

proceed with the merit list validly prepared on 15th May, 2010 pursuant to the advertisement issued on 30th April, 2010. This would mean that Respondent No.6 would now be appointed as AWW in terms of that list.

11. Accordingly, the writ appeal is dismissed but in the circumstances with no order as to costs. The interim order passed on 16th January, 2019 stands vacated.

S. Behera

