

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.411 of 2017

AFR*Ranjita Naik*.... *Appellant*
Miss S. Das, Advocate

-versus-

*Addl. District Magistrate,
Subarnapur and others*.... *Respondents*

Mr. Ishwar Mohanty, ASC

CORAM:**THE CHIEF JUSTICE****JUSTICE CHITTARANJAN DASH****ORDER****17.10.2022****Order No.****Dr. S. Muralidhar, CJ.**

04.

1. This appeal is directed against the judgment dated 13th October, 2017 passed by the learned Single Judge rejecting the W.P.(C) No.894 of 2015 filed by the present Appellant questioning the order dated 9th January, 2015 passed by the Additional District magistrate (ADM) Subarnapur allowing AW Appeal No.9 of 2013 filed by Respondent No.3 herein questioning the Appellant's selection as Anganwadi Worker (AWW) at the Lachhipur 'Kha' Anganwadi Centre (AWC).

2. The background facts are that pursuant to an advertisement issued for engagement of AWW at the AWC in question, the present Appellant along with Respondent No.3 and others applied. Along with her application dated 3rd December, 2012 the Appellant who belonged to the Scheduled Caste (SC) submitted a caste certificate, a residential certificate and other documents. However,

both the caste certificate and residential certificate had to be up-to date inasmuch as they had to be issued within a period of six months prior to the cutoff date in terms of the advertisement i.e. 19th November, 2012.

3. According to the Appellant, in respect of both the certificates i.e. caste certificate as well as the residential certificate she had applied for revalidation more than six months prior to the cutoff date but they were issued to her only subsequently. Her case is that by the time the documents were taken up for scrutiny and verification by the Selection Committee i.e. 4th December, 2012 she produced both the updated documents. She scored the highest marks in the SC category. Accordingly, she was selected as AWW at the AWC in question.

4. The selection and engagement of the Appellant was challenged by Respondent No.3 by filing AW Appeal No.9 of 2013 which, as already noted, came to be allowed by the ADM, Subarnapur by order dated 9th January, 2015. The ADM observed that by the stipulated date in terms of the advertisement the Appellant had not produced the two up-dated certificates and therefore she ought not to have been selected. The above order of the ADM was unsuccessfully challenged by the Appellant in W.P.(C) No.894 of 2015 before the learned Single Judge.

5. Ms. Das, learned counsel for the Appellant, relied on the decision in ***Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board AIR 2016 SC 1098*** and the decision of the Delhi High Court in ***Tej Pal Singh v. Government of NCT of Delhi 2000 (52) DRJ***

791 to urge that as long as the caste certificate was applied for well within time, the mere fact that it was not produced along with the application but at the time of scrutiny would not disqualify the Appellant.

6. It is seen that there are two essential documents as far as the present case is concerned. One is caste certificate and the other is residential certificate. In the context of appointment of AWWs at AWCs, the residential certificate assumes great significance since in order to be eligible to apply for the post of AWW at a particular AWC, the candidate has to necessarily be a permanent resident of the area which is served by the AWC in question. In other words, the residential certificate is, as far as appointment of AWW is concerned, an essential certificate.

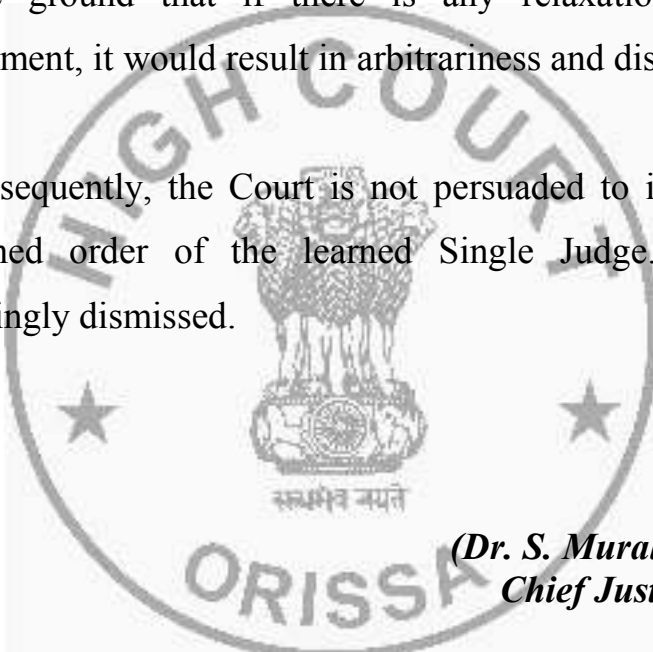
7. Neither of the above decisions cited by learned counsel for the Appellant deal with a situation of the appointment of an AWW in an AWC. On the other hand, this Court has consistently held that the fulfillment of the requirements as per the advertisement cannot be diluted. In its decision dated 21st September, 2022 in W.A. No.122 of 2015 (*Hashisa Begum v. Additional District Magistrate, Chatrapur, Ganjam*) this Court observed as under:

“At the outset it must be noted the decision in *Smt. Kunimani Mallik (supra)* still holds the field. It reaffirms that the administrative guidelines issued is binding on the selection committee. Neither the selection committee nor the CDPO has been vested with any discretionary power to relax the norms. There are definite time limits for inviting applications and verification of documents. If a candidate for any reason, including that of illness, is

unable to be present, there is no discretion left in the selection committee to extend the time for doing so.”

8. A set of guidelines have been issued by the State Government in the matter of appointment of AWWs and it has been made clear that there can be no dilution of the requirements therein by the selection committee by relaxing any of the norms. It is seen that even before the learned Single Judge a similar argument was made but rejected on the ground that if there is any relaxation of the above requirement, it would result in arbitrariness and discrimination.

9. Consequently, the Court is not persuaded to interfere with the impugned order of the learned Single Judge. The appeal is accordingly dismissed.

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top center, which is a four-lion capital of an abacus. Below the emblem is the motto 'सत्यमेव जयते' in Devanagari script. The words 'HIGH COURT' are written in a semi-circle at the top, and 'ORISSA' is written in a semi-circle at the bottom. Two five-pointed stars are positioned on either side of the central emblem.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge