

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 464 of 2015

Gouri Behera

....

Appellant

Mr. Gourisankar Pani, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Manoj Kumar Khuntia,
Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

Order No.

ORDER
29.09.2022

02. 1. The challenge in the present appeal is to an order dated 3rd July, 2015 passed by the learned Single Judge allowing W.P.(C) No.4149 of 2013 filed by Respondent No.6 herein questing the cancellation of her appointment as Anganwadi Worker (AWW) of Bisharpur Anganwadi Centre (AWC) by the order dated 8th February, 2013 of the Additional District Magistrate (ADM), Puri in AWW Appeal No.16 of 2012 filed by the present Appellant.
2. The ground on which the present Appellant has challenged the appointment of Respondent No.6 as AWW was that she did not produce the certificate evidencing her residing in village Bisharpur before the cut off date.
3. Admittedly, the cut off date was 2nd March, 2009 whereas the residential certificate was issued on 3rd March, 2009 and it was accepted by the Selection Committee on 6th March 2009, which was the date of scrutiny.
4. The learned Single Judge has noted how Respondent No.6 was legally married to one Bijaya Behera of village Bisharpur on 26th

February, 2009 and became a resident of that village from that date itself. Immediately after the marriage, she had applied for a residential certificate even before the cut off date of 2nd March, 2009. It so happened that the certificate was issued one day after cut off date, which was not within the control of Respondent No.6.

5. In the circumstances, learned Single Judge observed, and in the view of this Court rightly, that issuance of the residential certificate was a mere formality. It did not affect the validity of selection and engagement of Respondent No.6 as AWW.

6. Having heard learned counsel for the Appellant and having perused the orders of the ADM and the learned Single Judge, the Court is of the view that no grounds have been made out for interference with the impugned order of the learned Single Judge. Indeed, if the Respondent No.6 had acquired the residential status soon upon her marriage well before the cut off date, the mere non-production of her residential certificate which had in any way been applied for and not issued prior to the cut off date but definitely on the date of scrutiny of the applications, cannot be a ground to invalidate the engagement of Respondent No.6 as AWW.

7. There is no merit in the appeal and it is dismissed as such.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge