

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.17927 of 2017

Tilottama Mallik* *Petitioner

Mr. N.C. Mishra

-versus-

1. A.D.M. –cum- Appellate

Authority, Kendrapara

2. C.D.P.O., Rajkanika

3. Sumitra Mallik

4. Headmaster,

Mangarajpur UGME

School

.... Opp. Parties

Mr. R.N. Mishra

Addl. Government Advocate

*Mr. L. Kanungo, Advocate for
opposite party no.3*

CORAM:

JUSTICE S.K. SAHOO

ORDER

23.11.2022

Order No.

12. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

In pursuance of the order dated 17.11.2022, learned counsel for the State has produced the letter no.58 dated 30.08.2016 of Headmaster of Mangarajpur Nodal U.P. School, which is taken on record.

Heard learned counsel for the petitioner, learned counsel for the State and the learned counsel for

opposite party no.3.

The petitioner Tilottama Mallik has filed this writ petition for quashing the order dated 30.03.2017 passed by the A.D.M., Kendrapara (opposite party no.1).

It is the case of the petitioner that she is a resident of village Ahamadpur under Rajkanika police station in the district of Kendrapara and for the post of Anganwadi Worker in Ahamadpur-II Anganwadi Centre, a notification dated 17.08.2016 was issued and both the petitioner and the opposite party no.3 Sumitra Mallik applied for such post. After verification of the documents, the opposite party no.3 was selected as Anganwadi Worker. The petitioner challenged the selection of opposite party no.3 before the opposite party no.1, who is the Appellate Authority and the main ground of challenge of selection of the opposite party no.3 is that she had not passed Class-VII as Odia one of the subject.

The opposite party no.1 has been pleased to hold as follows:-

"6. After careful examination of the documents submitted by the C.D.P.O., Rajkanika, it is found that the respondent no.2 Sumitra Mallik has secured the highest marks and has submitted Odia Certificate from the Headmaster, Mangarajpur U.P. School of Rajkanika Block. With regard to submission of forged certificate, it is seen that the said

certificate has duly been verified from the issuing institution and as such it cannot be said that it is a forged one. In view of the above, I do not find any irregularity/illegality in selecting the present respondent no.2 Sumitra Mallik as Anganwadi Worker in respect of Ahamadpur-II AWC.”

Accordingly, the claim of the petitioner was disallowed.

The basis on which, the learned counsel for the petitioner urged that the opposite party no.3 as an Anganwadi Worker should have passed Class-VII as Odia one of the subject is that Rule 7 of the Odisha Children's and Women's Welfare Service Rules, 1989 (hereafter, '1989 Rules') lays down regarding procedure of filling up vacancies in the junior grade by direct recruitment and Anganwadi Workers can also be promoted to junior grade also and as per Rule 7 (2)(c) of the 1989 Rules, junior grade candidate has to pass final Class-VII examination with Odia as a language subject.

It is the contention of Mr. Mishra, learned counsel for the petitioner that since the promotional post to the junior grade requires the candidate should have Odia as one of the subject in Class-VII examination, therefore, the Anganwadi Worker should also have that qualification. I am not unable to accept such a contention inasmuch as Mr. Mishra fails to point out anything from

the law relating to the Anganwadi Workers that for the engagement of Anganwadi Worker, there is any requirement that the candidate should pass Class-VII examination with Odia as a language subject. Needless to say that in view of the qualification prescribed for the post of junior grade candidate in 1989 Rules, the Anganwadi Worker, who is having no such qualification of passing Class-VII examination with Odia as one of the language subject will not be considered for selection of junior grade, but there is no bar for consideration of the case of a candidate as Anganwadi Worker merely because she has not passed Class-VII examination with Odia as a language subject. It is pertinent to note that the minimum qualification prescribed for selection of Anganwadi Worker as laid down under the guidelines of Anganwadi Worker issued by the Government of Odisha, Women and Children Development Department dated 02.05.2007, inter alia, is that should be a matriculate. Of course, relaxation has been provided for tribal candidates and S.C. candidates.

Learned counsel for the opposite party no.3 pointed out a letter dated 23.02.2001 issued by the Commissioner -cum- Secretary to the Government of Women and Child Development Department which is addressed to the Collector, which has been annexed to the counter affidavit wherein it is indicated that the matriculation examination pass candidates from Punjab

School Education Board will also be treated as equivalent to H.S.C. pass students conducted by the Board of Secondary Education, Odisha.

From the materials available on record and the documents produced today by the learned counsel for the State, it is apparent that the opposite party no.3 has passed out from Mangarajpur Nodal U.P. School and thereafter, she completed her H.S.C. studies from Punjab School Education Board and since that has been treated as equivalent to H.S.C. pass students conducted by the Board of Secondary Education, Odisha, I do not find any infirmity or illegality in the selection of opposite party no.3 as Anganwadi Worker of Ahamadpur-II Anganwadi Centre and therefore, the impugned order passed by the opposite party no.1 in Anganwadi Appeal No.04 of 2016 dated 30.03.2017 is quite justified.

Accordingly, the writ petition is being devoid of merit, stands dismissed.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge