

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 10865 of 2022**

**Anjali Nag**

....

**Petitioner**

Mr. H.S. Mishra, Advocate

-Versus -

**State of Odisha & Others**

....

**Opposite Party**

Mr. N.K. Praharaj,

Addl. Government Advocate.

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**28.07.2022**

**Order No.**  
**02.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Govt. Advocate for the State.
3. The petitioner has approached this Court seeking following relief:

*“The petitioner therefore prays that this Hon’ble Court may be graciously pleased to issue Rule NISI to the Opp.Parties, call for the records and after hearing the parties be pleased to quash the order dtd.5.4.2022 passed in AWW Appeal Case No.03 of 2017 by the Opp.Party No.2 and further Opp.Party No.4 may be directed to give appointment to the petitioner in the Vimtikara (Narda) Anganwadi Centre under the Tarabha ICDS Project.”*

4. The facts of the case are that the petitioner had applied for the post of Anganwadi Worker of Vimtikra (Narda) Mini Anganwadi Center. She secured 63.26% of marks whereas the opposite party no.5 secured 52.73% of marks. There was no objection whatsoever to the selection of the petitioner during the period stipulated, i.e. 27.03.2017. Since the

opposite party no.5 submitted objection to the selection of the petitioner, she was not given appointment. Being aggrieved, the petitioner filed an appeal being AWW Appeal No.03 of 2017 before the ADM, Subarnapur. The appeal was disposed of vide order dated 05.04.2022, which is enclosed as Annexure-8 to the writ application rejecting the claim of the petitioner with the following observations.

*“Arguably it is countered by the learned advocate for the respondent that engagement of Anganwadi worker was made basing on the guideline of the year 2007. The 1<sup>st</sup> and former criterion for selection is that the candidate must be in service area. In the instant case by the time of scrutiny the committee could traced out that at serial no.117 of survey list mentioned the name Anjali Nag is not actually the appellant rather it was another girl whose age was 13 years at the time of survey. AS per the notification, the age of the candidates as on 01.01.2017 must be 18 to 42 years. The father’s name of the appellant is Jagan Nag whereas the name of the father of Anjali Nag, who is at Sl. No.117 of survey list is Sadananda Nag. At family Sl. No. 18 vide Sl. No. 72 of the survey list only the name of the appellant’s husband finds place along with other family members. But, the name of the appellant is not available in the lit. The selection committee has not committed any error. Thus appeal should be dismissed.*

*After going through the argument and counter argument, the appellate court first scrutinized the documents submitted by the appellant, Respondent and the CDPO, Tarbha. On verification of the Survey list, it is confirmed that the name of the appellant does not find place in the survey list of the AWC area.”*

5. It is submitted by Mr. H.S. Mishra, learned counsel appearing for the petitioner that the finding of the appellate authority is not based on records and is therefore, factually incorrect. He further draws attention of the Court to the document enclosed as Annexure-7, which is the relevant

extract of the Survey Register of Narda village, wherein the name of the petitioner finds place at serial no.9 duly certified by P.I.O., RTI Cell. As it appears, these documents have not been taken into consideration by the appellate authority while disposing of the appeal and the appellate authority appears to have proceeded on the factually incorrect premise that the petitioner is not a resident of village Narda.

6. Considering all the above facts, the order dated 05.04.2022 is hereby quashed. The matter is remitted to the Addl. District Magistrate, Subarnapur (opposite party no.2) to rehear the appeal and to pass an order afresh after considering the documents referred above in accordance with law. It is open to the petitioner to furnish all the necessary documents referred to by her in support of her claim of residency in village Narda. The appellate authority shall dispose of the appeal within a period of two weeks from the date of communication of this order or on production of certified copy thereof by the petitioner.

7. With these observation and direction, the writ petition is disposed of.

8. Issue urgent certified copy as per rules.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*