

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.750 of 2015

Smt. Punya Prava Pradhan

....

Appellant

Mr.K.K. Swain, Advocate

-versus-

***Additional District Magistrate,
Dhenkanal and others***

....

Respondents

Mr. M.K. Khuntia, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

28.09.2022

Order No.

- 04.
1. The challenge in this Writ Appeal is to the order dated 1st December, 2015 of the learned Single Judge passed in W.P.(C) No.11241 of 2013 declining to interfere with the order dated 6th May, 2013 passed in Misc. Appeal No.11 of 2012 by the ADM, Dhenkanal.
 2. The Misc. Appeal No.11 of 2012 was filed by the Respondent No.4 challenging the appointment of the Appellant which was allowed in her favour by the ADM, Dhenkanal thereby terminating the services of the Appellant as Anganwadi Worker for Khandatiri-4.
 3. The background fact of the case is that as against the advertisement dated 13th October 2009 of the Child Development Project Officer (CDPO), Hindol for the post of Anganwadi Worker (AWW) in different Anganwadi Center, the Appellant made application for the post of AWW for Khandatiri-4 Center. Upon scrutiny of the document, the Appellant was selected by the selection committee basing upon her experience as instructor in the Early Child Care and

Education (ECCE). Accordingly, she got appointed vide order No.33, dated 8th January, 2010 and joined as such. While continuing in the said post, Respondent No.4 preferred an appeal before the ADM, Dhenkanal, challenging the appointment of the Appellant substituting her engagement as AWW. The ADM, considering the objection of the Respondent No.4 found her eligible for the AWW primarily on the ground that she secured highest mark as compared to the Appellant. This was challenged in W.P.(C) No.11241 of 2013 by the Appellant before the learned Single Judge.

4. The contention of learned counsel for the Appellant is that she was given preference on the basis of her experience against ECCE Certificate while admitting to have secured lesser mark than Respondent No.4. According to him, the services of the Appellant could not have been terminated since she had continued in service and the objection raised by Respondent No.4 before the ADM was hopelessly barred by limitation.

5. While disposing the said writ petition, the learned Single Judge took into consideration all the points raised by the Appellant and passed a detailed order, *inter alia*, observing that ‘there is no denial about the fact that opposite party no.4 is more meritorious than the Petitioner having secured higher mark which is evident from Annexure-4 which is the comparative statement of candidates but ignoring the fact, Petitioner has been engaged. ADM after taking into consideration all these aspects of the matter has put the entire thing in right way by passing order of engagement of the opposite party no.4’

6. In the above premises, merit being the only criteria considered by the ADM, the robust method of selection to the post of AWW undertaken in the present case strictly in accordance with the guidelines, does not call for interference. No grounds have been made out to interfere with the impugned order of the learned Single Judge. The Writ Appeal accordingly stands dismissed.



KC Bisoi