

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29903 of 2022

Rasmita Bag

....

Petitioner

Mr.M.K. Panda, Advocate

-versus-

- 1. State of Odisha**
- 2. Collector, Kalahandi**
- 3. Sub-Collector,
Dharamgarh**
- 4. The Child Development
Project Officer,
Golamunda**
- 5. Smt. Sabitri Bernal**

.... ***Opp. Parties***

*Mr.Saswat Das
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

05.12.2022

Order No.

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

Heard learned counsel for the petitioner as well as learned Addl. Government Advocate for the State of Odisha.

In this writ petition, the petitioner Smt. Rasmita Bag has challenged the engagement of opposite party no.5 Smt. Sabitri Bernal as Anganwadi Worker in respect of Khaliapali-1 Anganwadi Centre vide Annexure-5.

Learned counsel for the petitioner placing reliance on Annexure-4, which is a comparative mark list of the candidates, submitted that in HSC Examination, the petitioner has secured more marks than the opposite party no.5 and since the minimum educational qualification for selection of Anganwadi worker is matriculation, the authorities should not have ignored the fact that the petitioner's percentage of marks is higher than the opposite party no.5 and accordingly should have selected the petitioner.

Learned counsel for the State on the other hand pointed out the revised Guidelines for the selection of Anganwadi Worker dated 02.05.2007 issued by the Govt. of Odisha, Women and Children Development Department which indicates that preferential additional percentage marks is to be given to certain categories of persons including higher qualification and if the candidate is intermediate or equivalent or has higher qualification, he has to be awarded 5% additional percentage. It is the contention of the learned counsel for the State that since the opposite party no.5 has got such additional qualification, she was awarded 5% extra marks and accordingly, the total points secured by opposite party no.5 is higher than the petitioner on the basis of which the order under Annexure-5 has been issued giving engagement to the opposite party no.5 as Anganwadi Worker of Kaliapali-I AWC and therefore, there is no infirmity or illegality in Annexure-5.

At this stage, learned counsel for the petitioner

submitted that since the Sub-Collector -cum- A.D.M. is the authority for hearing the complaints regarding the selection of Anganwadi Workers for Tribal and Rural Projects and Urban Projects, liberty may be granted to the petitioner to approach the Appellate Authority.

Learned counsel for the State has no serious objection to such submission.

Accordingly, the writ petition is disposed of giving liberty to the petitioner to approach the Appellate Authority, if so advised.



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