

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 42895 OF 2017

Between:

M.Hepsiba, W/o Rajesh, aged about 25 years, R/o Mallaram Village
Mudigonda Mandal, Khammam District.

...PETITIONER

AND

1. The District Collector, Khammam District at Khammam.
2. The District Welfare Officer WCD&SC Department Khammam District at Khammam.
3. The Project Officer ICDS Project, Khammam Rural Khammam
4. The State of Telangana rep. by its Principal Secretary, Women, Child, Disabled and Senior Citizen Department Secretariat, Hyderabad.
5. Smt K.Anuradha, W/o Ashok aged about 21 years, Occ: Anganwadi Helper, R/o Mallaram Village, Mudigonda Mandal, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in appointing the unofficial respondent as Anganwadi Helper vide final selection list dated 18-11-2017 by the respondents in pursuance to the Notification No.A1/327/2017, dated 13-10-2017 under SC category ignoring the merit of the petitioner as highly illegal, arbitrary and the same final selection dated 18-11-2017 and all consequential orders including appointment in so far as the unofficial respondent is liable to be set aside and consequentially this Hon'ble Court may be pleased to declare that the petitioner herein is entitled for appointment as Angawadi Helper for Mallaram Village of Mudigonda Mandal, Khammam District under SC category with all consequential benefits.

I.A. NO: 1 OF 2017(WPMP, NO: 53201 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein to consider the petitioner's representation dated 22-11- 2017 for appointment to the post of Anganwadi Worker under SC category in respect of Mallaram Village of Mudigonda Mandal, Khammam District pending disposal of the above writ petition

Counsel for the Petitioner: M/s. M. R. TAGORE

Counsel for the Respondents 1 to 3: GP FOR SERVICES I

Counsel for the Respondent 4: GP FOR WOMEN DEV & CHILD WELFARE

Counsel for the Respondent 5: M/s G.R. SUDHAKAR

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.42895 of 2017

ORDER:

Heard the learned counsel for the petitioner, heard the learned Assistant Government Pleader for Services-I and also heard the learned counsel representing respondent no.5.

2. Perused the record.

3. The main grievance of the petitioner is that the respondent appointed Smt. K.Anuradha as Anganwadi helper ignoring the merit of the petitioner.

4. Counter affidavit is filed by the 4th respondent on behalf of all the respondents, paragraph Nos.5 and 6 of the counter affidavit read as under:

"5. It is respectfully submit that the petitioner got 56.1 marks in SSC and other criteria. During the course of enquiry it is revealed that the petitioner was not residing in Mallaram village of Mudigonda Mandal and petitioner husband Mr.Rajesh is working in TSSPDCL Khammam town, the petitioner is residing with her husband in Khammam town, the Sarpanch and Villagers are also made a representation on 14.11.2017 not taken into consideration of petitioner candidature to the post of Anganwadi helper of Mallapuram Village.

"As per the G.O.No.14, dated 23.05.2015 issued by the department women and child development clearly stated that the Anganwadi Helper and Anganwadi Teacher must residing in the same village where they are working."

"6. I respectfully submit that the respondent authorities have taken the right step as per justification. The petitioner has approached this Hon'ble Court with uncleaned hands."

5. The learned counsel appearing for the 5th respondent brings to the notice of this court that, unofficial respondent No.5 got the appointment vide proceedings No.A/44/ICDS/2012, dated 18.11.2017, an appointment order issued by the 2nd respondent authority, unofficial respondent No.5 immediately joined in duty and started working as Anganwadi Helper, Mallaram Village center, since 18.11.2017 and is working till as on date.

6. The learned counsel for the petitioner brings to the notice of this court that, the petitioner has submitted a detailed representation on 22.11.2017 addressed to the District Collector, Khammam District, wherein the petitioner made a request for her appointment as Anganwadi Helper on the ground that the petitioner secured 421 marks out of 600

in S.S.C. whereas, the 5th respondent secured 367 marks out of 600 marks only in S.S.C and further to consider the petitioner's candidature for appointment to the post of Anganwadi Helper.

7. Taking into consideration the fact that the petitioner had made a representation on 22.11.2017 and also the fact that the same has not been considered till as on date, without going into the merits of the case the writ petition is disposed of directing the respondent No.1 to consider the petitioner's representation, dated 22.11.2017 and pass appropriate orders, in accordance to law, within a period of four weeks from the date of receipt of a copy of this order, duly communicating the decision to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/-T.SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The District Collector, Khammam District at Khammam.
2. The District Welfare Officer WCD&SC Department Khammam, District at Khammam.
3. The Project Officer, ICDS Project, Khammam Rural Khammam
4. The Principal Secretary, Women, Child, Disabled and Senior Citizen Department Secretariat, State of Telangana, Hyderabad.

5. One CC to SRI M R TAGORE Advocate [OPUC]
6. Two CCs to GP FOR SERVICES I High Court for the State of Telangana at Hyderabad [OUT]
7. Two CCs to GP FOR WOMEN DEV,CHILD WELFARE, High Court for the State of Telangana[OUT]
8. One CC to M/s G.R.SUDHAKAR, Advocate(OPUC)
9. Two CD Copies

EDS

BS

HIGH COURT

DATED:27/12/2022



ORDER

WP.No.42895 of 2017

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

13 vvv
11/1/23