

APHC010357992016



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

FRIDAY ,THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 5540/2016

Between:

A Chandrakala At B. Chandrakalavathi, Kurnool Dist

...PETITIONER

AND

Secy Women Child And Welfare Dept Hyd And 4 Ot and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1.P V RANGA REDDY

Counsel for the Respondent(S):

1.GP FOR WOMEN DEV-CHILD WELFARE(AP)

The Court made the following:

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 2 to 4 in issuing impugned Proceedings No 07/S.A/2015 dt.23.11.2015 for the Post of Anganwadi Helper, Kethavaram-2, Orvakal Mandal, Kurnool District in favour of the Respondent No.5 as arbitrary, illegal, capricious, subversive of Article 14 of the Constitution of India and in violation of principles of natural justice by holding that the Respondent No.5 is not eligible candidate for the post of Anganwadi Helper, Kethavaram-2, Orvakal Mandal, Kurnool District as she produced the fake documents with regard to certificates relating to the qualification and other required certificates namely Caste, Date of Birth, Education Qualification, community, consequently direct the respondents No.2 to 4 to consider the case of the petitioner, who possessed requisite qualification for the said post forthwith ...”

2. The petitioner is the resident of Kethavaram village, Orvakal Mandal, Kurnool District and studied up to X Class. While so, having come to know that there is requirement of Anganwadi Helper for their village, the petitioner and other eligible candidates were waiting for the notification to be issued by the respondents 2 to 4. But, surprisingly, respondents 2 to 4 appointed the 5th respondent as Anganwadi Helper for the post of Kethavaram -2 Anganwadi Center vide proceedings No.07/S.A./2015, dated 23.11.2015, without issuing any notification though the 5th respondent does not possess the required qualifications.

3. The case of the petitioner is that the 5th respondent had produced fake certificates before the respondents 2 to 4, wherein her date of Birth Certificate is shown as 10.10.1989 and as per her Study Certificate she studied 1st class

to 8th class from 1997-98 to 2004-05 and in her community certificate issued by the revenue officials, her caste is noted as Golla-3 (BC-D). The 1st respondent had issued G.O.Ms.No.18, dated 15.05.2015, in which the parameters are framed to be adopted for selection of Anganwadi workers, Mini Anganwadi worker and Anganwadi helpers by reconstituting the Committee in all integrated Child Development Service Scheme (ICDS) Projects and ITDA Projects. But the respondents without following the due procedure, appointed the 5th respondent herein vide impugned proceedings dated 23.11.2015, for the post of Anganwadi Helper, Kethavaram-2, Orvakal Mandal, Kurnool District. Challenging the same, present Writ Petition is filed.

4. The respondent No.4 has filed a counter affidavit, wherein it is stated that a notification was issued for the post of Anganwadi Workers/Helpers and the same was published in Eenadu Daily News Paper, dated 03.10.2015 for filling up the post of Anganwadi Helper of Kethavaram Village, along with vacant posts of Anganwadi Workers/Helpers posts in the Kurnool District. As per the notification published in News paper, two candidates have applied for the post of Anganwadi Helper, i.e., the 5th respondent and one Smt.Boya Lakshmi Devi, W/o. Boya Venkateswarlu. As per the Transfer Certificate of 5th respondent, issued by the Head Master, Good Shepherd High School, Kurnool the individual is admitted in 1st class on 15.07.1997 and studied up to 8th class and left from the school on 24.04.2005. Her date of birth is noted as 10.10.1989 and Caste is Hindu Periki Balija. After the marriage, the 5th

respondent converted her caste to her husband caste, which belongs to Golla. The Head Master certified that both Transfer Certificate and Study Certificates are genuine. Accordingly, it is submitted that the respondents followed the due procedure as per the above G.O.Ms.No.18, and the Selection Committee selected the 5th respondent as Anganwadi Helper of Kethavaram village. The petitioner has not applied for the said post during the notification. Hence, the Petitioner is not entitled any relief under the Writ Petition and prayed to dismiss the same.

5. Heard learned counsel for the petitioner and learned Government Pleader for Women Development and Child Welfare.

6. When the matter is taken up today, learned counsel Government Pleader has produced a copy of the instructions received from the Child Development Project Officer, ICDS Project, Kurnool, wherein it is stated that petitioner has made a complaint against one Smt. Ancha Rameswari/ 5th respondent, stating that she secured appointment as Anganwadi Helper by producing fake educational qualification Certificate and the Certificate of the selected candidate has been sent to the Education Department. The Deputy Educational Officer, Kurnool has enquired and stated that Certificate produced by the individual is not genuine and the letter issued by the School authorities certifying the genuineness are not correct. The CDPO, Kurnool has issued Show cause notice to Smt. Ancha Rameswari vide Memo dated 28.05.2016 and called for an explanation for producing the fake certificate and

secured appointment as Anganwadi Helper. The services of Smt. Ancha Rameswari/5th respondent has been terminated with the approval of the Committee, DLSC, Kurnool. After termination of the 5th respondent, a notification was issued for the post of Anganwadi Helper, Kethavaram village, and Smt.B.Chandra Kalavathi was selected as Anganwadi Helper, Kethavarm and working since 15.12.2020. The petitioner has not applied for the said post, hence, the petitioner cannot be considered for appointment as Anganwadi Helper.

7. In view of the same, pursuant to the notices issued by this Court in the present Writ Petition, after duly conducting enquiry as against the 5th respondent she was removed from the services on the ground of producing fake education certificates and thereafter in pursuance of subsequent notification issued by the respondents, one Smt.B.Chandra Kalavathi was selected as Anganwadi Helper, Kethavarm and working since 15.12.2020. Therefore, this Court is of the opinion that the cause in the Writ Petition does not survive and no further orders are required to be passed.

8. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous applications, pending, if any, shall also stand closed.

JUSTICE V. SUJATHA

Date:20.09.2024
Pnr