

APHC010438642024



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

[3331]

FRIDAY ,THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 22637/2024

Between:

1.SIRISETTI APPALARAJU, S/O POTHURAJU, AGED 52 YEARS,
VILLAGE ORGANISATION ASSISTANT (VOA), R/O
LAKKAVARAMVILLAGE, PULAPARTHIPOST, YALAMANCHILI
MANDAL, ANAKAPALLI DISTRICT. A.P.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL
SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT SECRETARIAT BUILDINGS, NELAPADU, THULLURU
MANDAL, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTORCUMEXECUTIVE CHAIRMAN, DISTRICT
RURAL DEVELOPMENT AGENCY (DRDA), ANAKAPALLI DISTRICT.
- 3.THE CHIEF EXECUTIVE OFFICER, SOCIETY FOR ELIMINATION OF
RURAL POVERTY (SERP), DEPARTMENT OF RURAL
DEVELOPMENT, 2ND FLOOR, NTR ADMINISTRATIVE BLOCK,
PANDIT NEHRU BUS STATION, VIJAYAWADA, NRT DISTRICT.
- 4.THE PROJECT DIRECTOR, DISTRICT RURAL DEVELOPMENT
AGENCY, ANAKAPALLI DISTRICT, ANDHRA PRADESH.

5.THE ASSISTANT PROJECT MANAGER, DISTRICT RURAL DEVELOPMENT AGENCY, YALAMANCHILI MANDAL, ANAKAPALLI DISTRICT.

6.THE COMMUNITY COORDINATOR, DISTRICT RURAL DEVELOPMENT AGENCY, YALAMANCHILI MANDAL, ANAKAPALLI DISTRICT.

7.LAKKAVARAM GRAMA PARASPARA SAHAYAKA PODUPU SANGAM, REP.BY ITS PRESIDENT KARRI ADILAKSHMI, LAKKAVARAM VILLAGE, YALAMANCHILI MANDAL, ANAKAPALLI DISTRICT.

...RESPONDENT(S):

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 an order or orders more particularly one in the nature of writ of Mandamus declaring the action of the Respondent Nos. 5 and 6 in giving oral instruction to the petitioner not to attend his duties as Village Organizer Assistant (VOA) of Lakkavaram Grama Paraspara Sahayaka Podupu Sangam, Yalamanchili Mandal, Anakapalli District, without issuing any notice to the petitioner as illegal, arbitrary and violative of principles of natural justice and violative of Articles 14 and 21 of the Constitution of India and consequently direct the Respondent Nos. 5 and 6 not to interfere with the duties of the petitioner as Village Organizer Assistant (VOA) of Lakkavaram Grama Paraspara Sahayaka Podupu Sangam, Yalamanchili Mandal, Anakapalli District and to pass

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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 Respondent Nos. 5 and 6 not to interfere with the duties of the petitioner Village Organizer Assistant (VOA) of Lakkavaram Grama Paraspara Sahayaka Podupu Sangam, Yalamanchili Mandal, Anakapalli District pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.YADAVALLI RAMESH

Counsel for the Respondent(S):

1.GP FOR SERVICES

The Court made the following ORDER:

This writ petition is filed to declare the action of the respondents 5 & 6 in not allowing the petitioner to discharge his duties as Sangamitra (Village Organization Assistant) of Lakkavaram Grama Paraspara Sahayaka Podupu Sangam, Yalamanchili Mandal, Anakapalli District, without assigning any reasons, as illegal and arbitrary.

2. Heard learned counsel on either side.

3. Learned counsel for the petitioner submits that on 01.10.2002, the petitioner was elected/nominated as VOA of Lakkavaram Grama Paraspara Sahayaka Podupu Sangam, Yalamanchili Mandal, Anakapalli District. Learned counsel submits that the petitioner's duties were renewed by resolution dated 07.06.2023 (Ex.P.2) and since then he has been continuing as VOA. However, the respondents 5 & 6 without issuing any notice, are not allowing the petitioner to discharge his duties as VOA.

4. Sri R.S.Manidhar Pingali, learned Assistant Government Pleader for services, on oral instructions of Project Director, DRDA, Anakapalli District, would submit that the officials are not interfering with the activities of the petitioner as VOA. He also produced a copy of Circular No.64-7/SERP/IB/2019 dated 29.08.2019 issued by Principal Secretary, SERP.

5. The Society where the petitioner has been discharging duties, as VOA, is registered under Andhra Pradesh Mutually Aided Cooperative Societies Act,

1995 (for short "the Act"). Individual or Cooperative societies intending to form into Cooperative Societies under the aforementioned Act, shall frame bye-laws conforming to the principles of cooperation. The membership of the society shall be voluntary and without restrictions of any social, political, rational or religious discrimination to all persons who can make use of its services and are willing to accept the responsibilities of membership. Members of primary Cooperative Societies shall enjoy equal rights of voting and participation in decisions affecting their Cooperative Societies. Section 4 of the Act speaks about the registration of the society and Section 5 prescribes that the society is a body corporate.

6. The members of the society, normally, elect one among them as Village Organization Assistant, by a resolution and pay salary to the said individual. The Society for Elimination of Rural Poverty, Department of Rural Development, State of Andhra Pradesh, represented by its CEO, is constituted by the State to implement the schemes for elimination of rural poverty as proposed by the Union of India as well as the Government of Andhra Pradesh, by issuing circulars from time to time, regarding appointment of Village Organization Assistants, qualifications, procedure for selection, termination, method of payment, duties and obligations. One of those circulars is circular No.64-/SERP/IB/2018 dated 26.11.2018. Thereafter another Circular No.64-7/SERP/IB/2019 dated 29.08.2019 was issued by Principal Secretary, SERP.

7. A perusal of the 2019 circular would manifest that to alleviate poverty and for women empowerment, 27,841 societies were formed in terms of the provisions of A.P. Mutually Aided Co-operative Societies Act, 1995; that those societies are autonomous bodies; that selection, removal and duties of VOA etc., are within the purview of the members of the Society; that the duties and

responsibilities of the Staff of the Village Organization are described in Section 25 of the Act; that the staff members of the Village Organization are answerable and accountable to the Village Organization and their appointment, removal and performance of duties, are as per the bye-laws, rules and regulations framed by the Executive Committee of the Village Organization.

8. The said circular further prescribes that the staff of the CBO/Project should work for development and to achieve financial stability of the Village Organization and they should cooperate and facilitate the development of the Village Organization **and shall not influence or interfere with the decisions of the Society. (emphasis is mine)**

9. The circular further prescribes that the staff members of the Village Organization should not indulge in the decision-making process and that the appointments, removal, duties and responsibilities of Sangamitra/VOA /Animator, are to be done by the Village Organization. As per the note in the circular, dated 29.08.2019, it was clarified that no other circulars be issued at the district level. Circular dated 29.08.2019, will be in force till another circular is issued.

10. Learned Assistant Government Pleader for Services would submit that circular dated 29.08.2019 is in force till date.

11. Thus, the aforementioned circular issued by the Principal Secretary commands no interference of the officials with the society's decision-making process except to facilitate. The instructions of the learned Assistant Government pleader would manifest that the officials are not interfering.

12. Given the facts and circumstances of the case coupled with the aforementioned circular issued by the Principal Secretary, SERP, and the instructions of learned Assistant Government Pleader for Services, this Writ Petition is disposed of at the admission stage, with the consent of the learned counsel on either side, directing the respondents 5 & 6 not to interfere with the petitioner's discharging duties as VOA of Lakkavaram Grama Paraspara Sahayaka Podupu Sangam, Yalamanchili Mandal, Anakapalli District. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 04.10.2024
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**WRIT PETITION NO: 22637/2024**

Dated: 04.10.2024
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