NC: 2024:KHC-D:6555
WP No. 104900 of 2023

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 19TH DAY OF APRIL, 2024

BEFORE

THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT PETITION NO.104900 OF 2023 (S-RES)

BETWEEN:

1. S. AKKAMMABAI C/O. K. HALESH NAIK,
   AGE: 24 YEARS, OCC: NIL,
   R/O: # 160, CHANNAHALLI TANDA,
   CHENNAHALLI, HARAPANAHALLI-583131,
   TQ: HARAPANAHALLI, DIST: VIJAYANAGAR.

2. KAVERIBAI.L C/O. SHIVAKUMAR NAIK,
   AGE: 20 YEARS, OCC: NIL,
   R/O: # 65, CHANNAHALLI TANDA,
   CHENNAHALLI, HARAPANAHALLI-583131,
   TQ: HARAPANAHALLI, DIST: VIJAYANAGAR.

3. SANGEETA LAMANI C/O. LAKSHMAN S.,
   AGE: 20 YEARS, OCC: NIL,
   R/O: CHANNAHALLI TANDA,
   CHENNAHALLI, HARAPANAHALLI-583131,
   TQ: HARAPANAHALLI, DIST: VIJAYANAGAR.

4. DEEPABAI.S. C/O. S.JYOTIKUMAR,
   AGE: 20 YEARS, OCC: NIL,
   R/O: CHANNAHALLI TANDA,
   CHENNAHALLI, HARAPANAHALLI-583131,
   TQ: HARAPANAHALLI, DIST: VIJAYANAGAR.

…PETITIONERS

(BY. PRUTHVI K.S. ADVOCATE)

Digitally signed by VIJAYALAKSHMI M KANKUPPI
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH

AND:

1. THE STATE OF KARNATAKA,
   RPTD BY ITS PRINCIPAL SECRETARY
   DEPT.OF WOMEN AND CHILD WELFARE
   VIDHANA SOUDHA, DR.AMBEDKAR VEEDHI,
   BENGALURU-01.

2. THE DEPUTY COMMISSIONER,
VIJAYANAGARA-583201, DIST: VIJAYANAGARA.

3. THE ZILLA PANCHAYAT,
RPTD BY ITS CHIEF EXECUTIVE OFFICER,
VIJAYANAGARA-583201, DIST: VIJAYANAGARA.

4. THE TALUK PANCHAYAT
RPTD BY ITS EXECUTIVE OFFICER
HARAPANAHALLI-583131, TQ: HARAPANAHALLI,
DIST: VIJAYANAGARA.

5. THE DEPUTY DIRECTOR
DEPT.OF WOMEN AND CHILD DEVELOPMENT,
VIJAYNAGARA-583201, DIST: VIJAYANAGARA.

6. THE CHILD DEVELOPMENT PROJECT OFFICER
DEPT.OF WOMEN AND CHILD DEVELOPMENT
HARAPANAHALLI-583131, TQ: HARAPANAHALLI,
DIST: VIJAYANAGARA.

7. SMT.B.NEELABAI W/O. HEMANAYAK,
AGE: 37 YEARS,
R/O: CHANNAHALLI TANDA,
CHENNAHALLI, HARAPANAHALLI-583131,
TQ: HARAPANAHALLI, DIST: VIJAYANAGAR.

…RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1, R2, R5 AND R6;
SRI. PRASHANT MATHAPATI, ADVOCATE FOR R7;
NOTICE TO R3 AND R4 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED ORDER DATED. 6/7/2023 BRG NO. OoNiVi/MaMaAaEe/Am.Sa/Mu/Ankaka/

Aayke/2023-24 VIDE ANNEXURE-F ISSUED BY THE RESPONDENT NO. 5, IN THE INTEREST OF JUSTICE AND EQUITY. B) ISSUE A WRIT IN THE MANDAMUS BY DIRECTING THE RESPONDENT NO.6 TO CONSIDER THE REPRESENTATION DATED 17/7/2023 VIDE ANENXURE-G SUBMITTED BY THE PETITIONERS AND TO PASS APPROPRIATE ORDER IN ACCORDANCE WITH LAW, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners, who are aspirants to the post of Anganwadi Worker in the new Aganwadi Centre namely Channahalli Tanda-A, have questioned the promotion of respondent No.7 from the post of Anganwadi helper to Anganwadi worker and posting her to Channahalli Tanda-A centre.

2. Respondent No.7 was working as Anganwadi helper in Channahalli Tanda and she has been promoted as Anganwadi worker and posted to Channahalli Tanda-A centre.

3. It is the grievance of the petitioners that as Channahalli Tanda-A Anganwadi Centre is a new Anganwadi centre, the respondents ought to have issued notifications calling upon the applications. The promotion of respondent No.7 and posting her to Channahalli Tanda-A centre as Anganwadi worker deprives the petitioners

from applying to the post of Anganwadi worker in Channahalli Tanda-A Anganwad Centre.

4. Learned counsel for respondent No.7 placing reliance on the Government Order dated 03.12.2022 (Annexure-B) contends that, if no eligible applications are received from any workers/helpers for promotion to the post of Anganwadi worker to the new Anganwadi Centre then process of recruitment of Anganwadi worker has to be notified. He contends that the respondents considering the said aspect have rightly issued an order promoting respondent No.7 on receiving her application from Anganwadi helper to Anganwadi worker and posted her to new Anganwadi centre i.e. Channahalli Tanda-A Anganwadi centre.

5. Having heard the learned counsel, the Court has perused the materials placed on record.

6. The Government Order dated 03.12.2022 (Annexure-D) contains guidelines for appointment of

Anganwadi worker. The guideline VII (6) of the said Government Order reads as follows:

> "VII(6). *ಅಂಗನವಾಡಿ ಕಾರ್ಯಕರ್ತೆ ಹುದ್ದೆ ಖಾಲಿಯಾದ/ಹೊಸ ಕೇಂದ್ರಕ್ಕೆ ಅರ್ಹ ಮಿನಿ ಕಾರ್ಯಕರ್ತೆ/ಸಹಾಯಕಿಯರಿಂದ ಕಾರ್ಯಕರ್ತೆ ಹುದ್ದೆಗೆ ಪದೋನ್ನತಿ ಕೋರಿ ಅರ್ಜಿ ಸ್ವೀಕೃತವಾದಲ್ಲಿ ಮಿನಿ ಕಾರ್ಯಕರ್ತೆಗೆ ಮೊದಲನೇ ಆದ್ಯತೆ, ಸಹಾಯಕಿಯರಿಗೆ ಎರಡನೇ ಆದ್ಯತೆ, ಸ್ಥಾನಪಲ್ಲಟಕ್ಕೆ ಮೂರನೇ ಆದ್ಯತೆ, ನೀಡಿ ಅವರನ್ನೇ ಆಯ್ಕೆ ಮಾಡತಕ್ಕದ್ದು. ಅಂತಹ ಯಾವುದೇ ಅರ್ಜಿಗಳು ಸ್ವೀಕೃತವಾಗಿಲ್ಲದಿದ್ದಲ್ಲಿ ಸ್ಥಾನಪಲ್ಲಟ/ವರ್ಗಾವಣೆಗೆ ಆದ್ಯತೆ ನೀಡುವುದು. ಸದರಿ ಯಾವುದೇ ಪ್ರಕರಣಗಳು ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಹೊಸದಾಗಿ ಆಯ್ಕೆ ಮಾಡುವ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಪ್ರಾರಂಭಿಸಿ ಗರಿಷ್ಟ 3 ತಿಂಗಳೊಳಗೆ ಮುಗಿಸತಕ್ಕದ್ದು."*

7. On plain reading of the said guideline, it is clear that, a Notification for recruitment of Anganwadi worker has to be issued only in case, if, no applications are received from any mini workers/helpers seeking promotion to the post of Anganwadi worker. If any such applications are received from any mini workers/helpers for promotion to the post of Anganwadi worker, they have to be given preference.

8. Considering the said aspect, respondent No.5-The Deputy Director, Department of Women and Child Development, Vijayanagara, has rightly passed the order dated 06.07.2023 (Annexure-F) promoting respondent No.7, who was working as Anganwadi helper to the post of Anganwadi worker and posted her to Channahalli Tanda-A Centre.

In view of the above, the contentions of the petitioners that only fresh applications required to be called to the post of Anganwadi worker for the newly created Anganwadi Centre is not tenable.

For the above said reasons, the writ petition is dismissed. Consequently, I.As.1/2023 and 1/2024 also stand disposed of as they do not survive for consideration.

Sd/-
JUDGE

KMV, CT: UMD
List No.: 1 Sl No.: 12