



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3330]

(Special Original Jurisdiction)

**FRIDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 9382/2013

BETWEEN:

1.SMT. VANA LAKSHMI,, W/O. PRAKASH RAO, AGED
ABOUT 35 YEARS, OCC:ANGANWADI WORKER, R/O.
H.NO.2-87/2, PONNAMPETA COLONY, PONNAMPETA
VILLAGE, AMADALAVALASA MANDAL, SRIKAKULAM
DISTRICT.

...Petitioner

AND

1.THE DISTRICT COLLECTOR AND CHAIRMAN OF THE
DISTRICT, SELECTION COMMITTEE OF ANGANVADI
WORKERS/HELPERS, SRIKAKULAM, SRIKAKULAM
DISTRICT.

2.THE PROJECT DIRECTOR DISTRICT WOMEN AND
CHILD, DEVELOPMENT AGENCY, SRIKAKULAM,
SRIKAKULAM DISTRICT.

3.THE REVENUE DIVISIONAL OFFICER, SRIKAKULAM,
SRIKAKULAM DISTRICT.

4.THE PROJECT OFFICER CHILD DEVELOPMENT
AGENCY, ICDS PROJECT, AMADALAVALASA,
AMADALAVALASA MANDAL, SRIKAKULAM 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 a writ of mandamus or any other appropriate writ or direction declaring the order of the 4th respondent issued in proceeding No. 3/2013-14, dated 8.1.2013, as illegal, arbitrary and is in violative of principles of natural justice and consequently set aside the same and pass

Counsel for the Petitioner:

1. TADDI NAGESWARA RAO

Counsel for the Respondent(S):

1. GP FOR WOMEN DEV, CHILD WELFARE

The Court made the following:

ORDER:

The Writ Petition is filed under Article 226 of Constitution of India for the following relief/s

“.....to issue a writ of mandamus or any other appropriate writ or direction declaring the order of the 4th respondent issued in proceeding No.3/2013-14, dated 8.1.2013, as illegal, arbitrary and is in violative of principles of natural justice and consequently set aside the same and pass such other or further orders.....”

2. The 3rd respondent issued notification dated 02.08.2011 inviting the applications for appointment of posts of Anganwadi Worker in Ponnampeta village, Amudalavalasa Mandal. The petitioner herein along with others applied for the said post and the petitioner was appeared for interview on 06.09.2012 and duly selected after following the procedure as per the notification and sent for training for one month i.e. from 01.11.2012 to 02.12.2012, after successful completion of her training, the petitioner is discharged from her duties as Anganwadi Worker of Ponnampeta village, after four months of training, as the respondents have received complaints from one Smt. G. Syamala and S. Trinadhamma and another through the grievance cell by the 1st respondent, the District Collector and Magistrate, which indicates that the petitioner does not belong to the Ponnampeta

Village and she crossed prescribed age of 35 years as notified in the notification, accordingly, on the said complaint, the petitioner was terminated from the post of Anganwadi Worker, through impugned proceedings No.3/2013-2014 dated 08.01.2013.

3. The said impugned proceedings assailed in the present Writ Petition *inter alia* on the ground that the termination order is flawed because it was issued without following the procedure as contemplated under law, and the certificate issued by the Tahsildar, Amdalvalasa, manifests that the petitioner belongs to the Ponnampeta village and as per the 10th class certificate, the petitioner has not crossed the age of 35 years as notified in the notification. Hence it is contested that the termination from the post of Anganwadi Worker is arbitrary, hence, prayed to set aside the impugned proceedings and prayed to direct the respondents to continue the service of the Petitioner as Anganwadi Worker of Ponnampeta village.

4. The respondents have filed their counter affidavit. At paragraph No.4, it is stated that the 4th respondent i.e. Project Officer, Child Development Agency, received petitions from Smt. G. Syamala and S. Trinadhamma and another through grievance cell by the 1st respondent who is District Collector and in the said complaints it is stated that the petitioner is not the resident of

Ponnampeta village and the petitioner crossed the prescribed age limit i.e. 35 years as per the age prescribed in the notification. And the petitioner was selected due to over sight and appointed as Anganwadi Worker. Subsequently, the mistake was rectified and termination order was passed by the 4th respondent invoking on G.O.Ms.No.21, Women Development & Child Welfare Department.

5. Sri V. Rama Krishna, learned counsel for the respondents would submit that the petitioner is continuing in the service in view of the interim orders. However, they have filed I.A. No.1 of 2018, to vacate the interim order granted on 28.03.2013. The only contention of the respondent is that the petitioner has crossed age limit, 35 years.

6. The complaint submitted to the respondents against the petitioner is based on two main claims: first, that the petitioner has exceeded the age limit of 35 years as stated in the notification; and second, that the petitioner does not reside in the village where the Anganwadi post has been notified. However, in the counter filed by the respondents it is stated that the petitioner has crossed the age limit of 35 years as per the notification, they haven't either specifically or evasively denied that the petitioner doesn't belong to the village associated with the Anganwadi post.

Therefore, it can be presumed that petitioner is, in fact, a resident of that village. The present issue before this Court is whether the petitioner has surpassed the age of 35 years as specified in the notification.

7. In the recruitment notification usually mention that the candidate should have completed the age of 21 years and should not have been completed the age of 35 years as on specified date. If the notification specifies the age limit as "not exceeding 35 years" on a particular date, it means a candidate's age should be less than 36 years and should not cross the age of 35 years, petitioner born on 01.01.1977 and the maximum age to apply as per notification is 35 years as on 01.07.2011. If it calculated the age of the petitioner is 34 years 6 months as she not completed the age of 35 years as per the recruitment notification. The maximum age limit indicates that the individual must not exceed the age notified in the notification.

8. Anganwadi Worker specifically provide that there should be an enquiry before passing the order of termination / removal if charges are serious in nature. Only on the basis of some complaint made by two villagers without issuing, any show-cause seeking an explanation from the petitioner straight away terminated from the post of Anganwadi worker.

9. Principles of natural justice are those rules which have been laid down by the courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he/she has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against himself/herself. This is one of the most important principles of natural justice. See Judgment of Apex Court in *Uma Nath Pandey & others v. State of U.P. and another* reported in 2009 (12) SCC 40.

10. On comprehending the facts from impugned order, it is clear that no show cause notice was issued to the petitioner. The

respondent authorities appear to have deliberately terminated the petitioner, based on a complaint from two villagers, suggesting that they did not act independently or use their own judgment. Instead, they seem to have fulfilled their responsibilities at the direction of these two villagers, acting in a subordinate manner to those who lodged the complaint, hence the impugned order is not sustainable and accordingly it is set aside.

11. Therefore, the Writ Petition is allowed. In view of the above discussion this Court imposes costs of Rs 25,000/- (Rupees Twenty Five Thousand only) to the respondents to be payable to the petitioner within 4 weeks from the date of order for causing mental agony to the petitioner in terminating from the post of Anganwadi worker irregularly.

As a sequel, interlocutory applications, if any pending in this Writ Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 11.07.2025

Note:

Registry is directed to mark a copy and send the same forthwith to the 4th respondent i.e. The Project Officer, Child Development Agency, ICDS Project, Amadalavalasa, Srikakulam District.

b/o
Harin

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHARA RAO

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Date: 11-07-2025

Harin