

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

MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21033 OF 2024



Between:

1. Smt.Vipparla Ramadevi, W/o. Musalaiah, 41 years, R/o. D.No.5-136/2, Avulavaripalem (V), Kolluru (M), Bapatia (D)
2. Smt. Dunna Jhansi, S/o. Moshe, 39 years, R/o.D.No.3-1, Chinapulivarru (V) and (P), Kolluru (M), Bapatia (D).

...PETITIONERS

AND

1. The Society For Elimination of Rural Poverty, DRD, State of AP, rep by its CEO, II floor NTR Admn block, Vijayawada, Krishna (D).
2. The District Collector, Bapatia District, erstwhile Guntur District.
3. The District Rural Development Agency, Guntur District, rep. by its Project Director, ZPP Campus, Guntur.
4. Area Community Project Manager, DRDA, Vemuru Constituency Area, Vemuru, Guntur Dist., A.P.
5. The Assistant Project Manager, DRDA, Kolluru (M), Guntur Dist.
6. Avulavaripalem Indira Mutually Aided Cooperative Society, Thrift Village society Ltd, Avulavaripalem (V), Kolluru (M), rep by its President Bapatia (D), erstwhile Guntur (D)-522324.
7. Chinapulivarru Chandrodaya Mutually Aided Cooperative Society, Thrift Village society Ltd, Chinapulivarru (V), Kolluru (M), rep by its President Bapatia (D), erstwhile Guntur (D)-522257.
8. The State of AP, Rep by its Principal Secretary, PR & RD Dept, Secretariat Buildings, Velagapudi, Guntur District.

**(Respondent no 8 impleaded as per court orders dated 19-09-2024
vide IA No 1 of 2024 in WP (SR) No 31097 of 2024)**

...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 an order or direction, Writ more particularly one in the nature of Writ of Mandamus declaring that action of the Respondents 6 and 7 in not allowing the Petitioners to discharge their duties as VAOs and not to receive salaries, are highly arbitrary, illegal, without notice and against principles of natural justice, besides fundamental rights guaranteed under Article 14, 21, 243 ZH and 243 ZR of the Constitution of India and also in violation of provisions of co-operative societies Act, and consequently direct the Respondent Authorities to allow the Petitioners herein to discharge their duties, to receive salaries as earlier, pending disposal of the above Writ Petition.

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondent Authorities to allow the Petitioners herein to discharge their duties, to receive salaries as earlier, pending disposal.

Counsel for the Petitioners : SRI K. K. DURGA PRASAD

Counsel for the Respondent Nos.1 to 5 & 8 : GP FOR SERVICES –IV

Counsel for the Respondent Nos.6 & 7 : GP FOR SERVICES -I

The Court at the stage of admission made the following: ORDER



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

[3331]

MONDAY ,THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21033/2024

Between:

Vipparla Ramadevi and Others

...PETITIONER(S)

AND

The Society For Elimination Of Rural Poverty and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1.K K DURGA PRASAD

Counsel for the Respondent(S):

1.GP FOR SERVICES IV

2.GP FOR SERVICES I

3.

The Court made the following:

This writ petition is filed complaining about interference by respondent Nos.6 and 7 in not allowing the petitioners to discharge their duty as Sangamitra (Village Organization Assistants), without assigning any reasons.

2. Heard learned counsel on either side.

3. Learned counsel for the petitioners submits that petitioner No.1 has been elected/nominated as Sangamitra (Village Organization Assistant) in Avulavaripalem Indira Mutually Aided Cooperative Society Thrift Village

Society Limited, Avulavaripalem Village, Kolluru Mandal, Guntur District by the resolution dated 12.12.2003. Petitioner No.2 has been elected/nominated as Sangamitra (Village Organization Assistant) in Chinapulivarru Chandrodaya Mutually Aided Cooperative Society Thrift Village Society Limited, Chinapulivarru Village, Kolluru Mandal, Guntur District by resolution dated 28.08.2008. The respondents 6 and 7, without assigning any reasons, are not allowing the petitioners to discharge their duties as VOAs. Hence the writ petition.

4. Sri R.S.Manidhar Pingali, learned Assistant Government Pleader for services, on oral instructions of Project Director, DRDA Guntur District, would submit that the officials are not interfering with the activities of the petitioner as Sangamitra/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 Societies where the petitioners have been discharging duties, as VOA, is registered under Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995. 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 Sangamittha/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 to 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 oral instructions of the learned Assistant Government Pleader this writ petition is disposed of at the admission stage, with the consent of the learned counsel on either side, directing the respondents 6 and 7 not to interfere with the petitioners' discharging duties as Sangamithra / VAO. No costs.

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

//TRUE COPY//

**Sd/- P.U.V.BHASKAR RAO
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The CEO, Society For Elimination of Rural Poverty, DRD, State of AP, II floor NTR Admn block, Vijayawada, Krishna (D).
2. The District Collector, Bapatia District, erstwhile Guntur District.
3. The Project Director, District Rural Development Agency, Guntur District, ZPP Campus, Guntur.
4. Area Community Project Manager, DRDA, Vemuru Constituency Area, Vemuru, Guntur Dist., A.P.
5. The Assistant Project Manager, DRDA, Kolluru (M), Guntur Dist.

6. The President Avulavaripalem Indira Mutually Aided Cooperative Society, Thrift Village society Ltd, Avulavaripalem (V), Kolluru (M), Bapatia (D), erstwhile Guntur (D)-522324.
7. The President, Chinapulivarru Chandrodaya Mutually Aided Cooperative Society, Thrift Village society Ltd, Chinapulivarru (V), Kolluru (M), Bapatia (D), erstwhile Guntur (D)-522257.
8. The Principal Secretary, PR & RD Dept, State of AP, Secretariat Buildings, Velagapudi, Guntur District.
9. One CC to Sri K. K. Durga Prasad, Advocate [OPUC]
10. Two CC to GP for Service-IV, High Court of Andhra Pradesh. (OUT)
11. Two CC to GP for Service-I, High Court of Andhra Pradesh. (OUT)
12. Three C.D. Copies.

Cnr

HIGH COURT

DATED:23/09/2024

ORDER

WP.No.21033 of 2024



**DISPOSING OF THE W.P. AT THE STAGE OF
ADMISSION WITHOUT COSTS**