



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 9797 OF 2026 (S-RES)

BETWEEN:

1. SMT. B. N. CHANDRAKALA,
W/O K. B. RAJEGOWDA,
AGED ABOUT 48 YEARS,
R/AT. KANIVE KOPPALU VILLAGE,
KANIVE KOPPALU GRAMA POST,
PANDAVAPURA TALUK,
MANDYA DISTRICT, MANDYA – 571 455.
2. SMT. JALAJAKSHI K. M.
W/O SHESHAPPA GOWDA K.,
AGED ABOUT 52 YEARS,
R/AT 1-286 B, KOINGAJE HOUSE,
KOLCHAR POST, ALETTEY VILLAGE,
SULLYA TALUK, DAKSHINA KANNADA DISTRICT,
DAKSHINA KANNADA – 574 239.
3. SMT. SHANTAKUMARI. P. J.,
W/O SRI. MANJUNATH,
AGED ABOUT 49 YEARS,
R/AT. SHANTINAGARA,
SHANTINAGAR WARD,
KASABA HOBLI, TUMKUR TALUK,
TUMKUR DISTRICT, TUMKUR – 572 102.
4. SMT. ZUBAIDA D. K.,
W/O ABOOBAKKHER HAMMABBA MALAR,
AGED ABOUT 56 YEARS,
R/AT HOUSE NO. 4-63-A, MALAR HOUSE,
KONAJE VIA MANGALORE, HAREKALA,
DAKSHINA KANNADA DISTRICT,
DAKSHINA KANNADA – 574 199.





5. SMT. BHAGYAMMA C. S.,
W/O KANTHARAJU. M. C.,
AGED ABOUT 42 YEARS,
R/AT. MALLENAHALLI,
BIJAVARA POST, KASABA HOBLI,
MADHUGIRI TALUK, TUMKUR DISTRICT,
TUMKUR – 572 132.
6. SMT. SUNANDA,
W/O MANJUNATH M.,
AGED ABOUT 45 YEARS,
R/AT. MAADAPATNA,
K MATTHIGHATTA POST,
KADABA HOBLI, GUBBI TALUK,
TUMKUR DISTRICT, TUMKUR – 572 220.
7. SMT. B. K. GANGAMMA,
W/O YOGANANDA P.,
AGED ABOUT 38 YEARS,
R/AT. PATHIYAPPANAPALYA,
ALILUGHATTA POST,
HAGALAVADI HOBLI, GUBBI TALUK,
TUMKUR DISTRICT, TUMKUR – 572 222.
8. SMT. LALITHAMMA K. K.,
W/O. THYAGARAJA NAIK,
AGED ABOUT 46 YEARS,
R/AT HULTHIKOPPA,
HECHE POST, SORAB TALUK,
SHIMOGA DISTRICT,
SHIMOGA – 577 429.
9. SMT. CHETANA K.,
W/O SURESHA A. K.,
AGED ABOUT 42 YEARS,
R/AT. JAMBEHALLI, JAMBEHALLI POST,
SORAB TALUK, SHIMOGA DISTRICT,
SHIMOGA – 577 429.
10. SMT. SHAKUNTALA B.,
W/O RAJASHEKARAPPA D.G.,
AGED ABOUT 40 YEARS,
R/AT. HOUSE NO. 63/2,
DUGLI HOSURU VILLAGE,



GUDAVI POST, SORAB TALUK,
SHIMOGA DISTRICT, SHIMOGA – 577 429.

11. SMT. CHETHANA M. S.,
W/O SURESHA. K.G.,
AGED ABOUT 37 YEARS,
R/AT. YALASI VILLAGE,
HALE SORABA POST, SORAB TALUK,
SHIMOGA DISTRICT,
SHIMOGA – 577 429.
12. SMT. JAYANTHI D.,
W/O DEVADASA GOWDA P.,
AGED ABOUT 44 YEARS,
R/AT. HOUSE NO. 1-116,
PILIGUNDA HOUSE,
KODIMBADY VILLAGE,
KODIMBADY POST, PUTTUR TALUK,
DAKSHINA KANNADA DISTRICT,
DAKSHINA KANNADA – 574 325.
13. SMT. SHOBHA R.,
W/O DINESH KUMAR M. P.,
AGED ABOUT 38 YEARS,
R/AT. HOUSE NO. 170,
SHIGGA VILLAGE AND POST,
SORAB TALUK, SHIMOGA DISTRICT,
SHIMOGA – 577 434.
14. SMT. N. JAYALAKSHMI
W/O M. NAGARAJA,
AGED ABOUT 55 YEARS,
R/AT. 679/A, NEAR GANGAMMANA PALYA,
PWD COLONY, KOLAR DISTRICT,
KOLAR – 563 101.
15. SMT. V. ANJAMMA,
W/O SRIRAMA,
AGED ABOUT 45 YEARS
KUMABRAHALLI, TAMAKA POST,
KOLAR TALUK AND DISTRICT,
KOLAR – 563 103.



16. SMT. V. P. SRIPRIYA,
W/O N. SUBRAMANI,
AGED ABOUT 47 YEARS,
R/AT. PREM AJITH NILAYA,
KALVAMANJALI ROAD,
VEMAGAL POST,
KOLAR TALUK AND DISTRICT,
KOLAR – 563 157.
17. SMT. LAKSHMIDEVI,
W/O LATE LAKSHMIPATHI,
AGED ABOUT 51 YEARS,
R/AT. NEAR ASHWATH KATTE,
HOLLAMBALLI VILLAGE,
SHAPUR POST,
KOLAR TALUK AND DISTRICT,
KOLAR – 563 103.
18. SMT. M. SUKANYA,
W/O MUNIRAJU C. M.,
AGED ABOUT 45 YEARS,
R/AT. CHANNARAYAPURA,
KEMBODI POST,
KOLAR TALUK AND DISTRICT
KOLAR – 563 101.
19. SMT. V. SUNITHA,
W/O KESHAVA REDDY,
AGED ABOUT 41 YEARS,
R/AT. HOUSE NO. 167,
NEAR RORS OFFICE,
RAMAKRISHNA EXTENSION,
SRINIVASPUR, 19TH WARD,
KOLAR TALUK AND DISTRICT,
KOLAR – 563 135.
20. SMT. SOWBHAGYA H. S.,
W/O KALLESH,
AGED ABOUT 43 YEARS,
R/AT. D. RAMPURA,
MARASHETTYHALLI POST,
TUMKUR DISTRICT,
TUMKUR – 572 225.

...PETITIONERS



(BY SRI. A. NAGARAJAPPA, ADVOCATE)

AND:

1. THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE PRINCIPAL SECRETARY
GOVERNMENT OF KARNATAKA
WOMEN AND CHILD DEVELOPMENT
SENIOR CITIZENS DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU – 560 001.
3. THE DIRECTOR,
WOMEN AND CHILD DEVELOPMENT DEPT.
VIDHANA SOUDHA,
M.S. BUILDING GATE NO.3,
BENGALURU – 560 001.

...RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA FOR R1 TO R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECTING RESPONDENT NO.2 TO CONSIDER THE CASE OF THE PETITIONERS IN TERMS OF THE ORDER PASSED BY THIS HONBLE COURT IN W.P NO. 7923/2020 C/W 3801/2020 DISPOSED ON 12.12.2025 MARKED AT ANNEXURE-W AND ALSO THE HONBLE HIGH COURT OF KALABURAGI BENCH IN W.P NO 226096/2020 DISPOSED OF ON 16.02.2026 MARKED AT ANNEXURE-X DIRECTING RESPONDENT NO.2 TO PREPARE SENIORITY LIST WITHIN 4 MONTHS FROM THE DATE OF RECEIPT OF THE ORDER OF PROMOTION BY SELECTION BY GIVING WEIGHTAGE AT THE RATE OF 4 MARKS FOR EVERY 5 YEARS OF SERVICE AS ANGANWADI WORKERS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR



ORAL ORDER

In this petition, petitioner seeks the following reliefs:

- “a) *Issue an order / direction / writ in the nature of Writ of mandamus directing Respondent No.2 to consider the case of the Petitioners in terms of the order passed by this Hon’ble Court in W.P.No.7923/2020 C/w 3801/2020 disposed on 12.12.2025 marked at Annexure-W and also the Hon’ble High Court of Kalaburgi Bench in W.P.No.226096/2020 disposed of on 16.02.2026 marked at Annexure-X directing Respondent No.2 to prepare Seniority list within 4 months from the date of receipt of the order of promotion of selection by giving weightage at the rate of 4 marks for every 5 years’ of service as Anganwadi Workers.*
- b) *Issue an order / direction / writ in the nature of Writ Petition of mandamus directing Respondent No.2 to prepare the seniority list of Anganwadi Workers taking it into the account district wise Seniority list of Anganwadi Workers and to prepare the list for promotion to the next cadre of Female Supervisors in Respondent No.2 department and promote them immediately as the majority of the Petitioners are aged few of them are fag end of service.*
- c) *Issue any order / direction / writ as deemed fit and proper in facts and circumstances of the case*



including the cost of Writ Petition in the interest of justice and equity.”

2. Heard learned counsel for the petitioner and learned AGA for the respondents and perused the material on record.

3. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioner submits that the issue in controversy in relation to giving of weightage at the rate of four marks for every five years is directly and squarely covered by the judgment of co-ordinate bench of this Court in the case of ***L. Shivalingamma and ors Vs. The Chief Secretary – W.P.No.7923/2020 c/w W.P.No.3801/2020 dated 12.12.2025*** and judgement of Kalaburagi Bench in the case of ***Laxmi and ors Vs. The Chief Secretary – W.P.No.226096/2020 dated 16.02.2026*** at Annexures-W and X respectively and also submitted that respondent No.2 may be directed to prepare seniority list of Anganwadi Workers taking into account the district wise Seniority List of Anganwadi Workers and to prepare the list for promotion to the next cadre of Female Supervisors in respondent No.2- Department and consider their promotion in accordance with law within stipulated time frame.



4. Per contra, learned AGA does not dispute the issue involved in the present petition as regards giving of four marks for every five years for the purpose of promotion and preparation of Seniority List is covered by the aforesaid judgments and if reasonable time is granted, respondent No.2 shall prepare Seniority List in accordance with law.

5. As rightly contended by the learned counsel for the petitioner, the issue in controversy involved in the present petition as regards giving of weightage at the rate of four marks for every five years service of Anganwadi Workers together with ten years experience with graduation is covered by the judgments in the cases of **L. Shivalingamma and Ors** and **Laxmi and ors** stated supra.

6. The Co-ordinate Bench of this Court in the case of **L. Shivalingamma and Ors's** case supra held as under:

"In W.P.No.7923/2020, the petitioners have sought for a writ in the nature of certiorari to quash the order bearing No. ಮಮಇ/ಇವ್ಯನೇ/ತಿದ್ದುಪಡಿ/2001-12 dated 27.01.2020 issued by the respondent No.3. They have also sought for a writ in the nature of certiorari to quash the notification



bearing No.WCD 465 SJD 2017 (P-1) dated 23.04.2020 issued by the respondent No.2. They have sought for a writ in the nature of mandamus to direct the respondents to implement the notification bearing No.1-2/2014-1 CD1 dated 15.09.2015 issued by the Government of India, Ministry of Women and Child Development and the recommendation of the Law Department dated 20.02.2019 and to complete the formalities of appointing the petitioners to the post of women supervisors in the Department of Women and Child Development by amending the Cadre and Recruitment Rules (henceforth referred to as 'C and R Rules') in line with the directions of the Government of India.

2. In W.P.No.3801/2020, the petitioners have sought for a writ in the nature of mandamus to direct the respondents to implement the notification bearing No.1-2/2014 - CD1 dated 15.09.2015 issued by the Government of India, Ministry of Women and Child Development and the recommendation of the Law Department dated 20.02.2019 and complete the formalities in appointing petitioners to the post of women supervisors in the Department of Women and Child Development. They have also sought for a writ in the nature of certiorari to quash the notification bearing No.WCD 465 SJD 2017 (P-1) dated 23.04.2020 issued by respondent No.2 and the endorsement bearing No. 3/2019-20 dated 17.01.2020 issued by the respondent No.4. They have sought for a writ in the nature of mandamus to direct the respondents to consider their representations dated



26.09.2019 submitted to the Director and Deputy Director of the Department of Women and Child Development.

3. (i) *The facts that are common in these writ petitions are that petitioners are all Anganwadi workers, who are working for the last several years and belong to different categories. They claim that they have been working without any blemish. They all contend that since the post of Anganwadi worker was created under a scheme, there were no promotional avenues for Anganwadi workers as the next post of Anganwadi supervisors had to be filled by direct recruitment. The Government of India in terms of its notification bearing No.1-2/2014-CDI dated 15.09.2015 had ordered as follows:-*

"Accordingly, the responsibilities of the Anganwadi Worker has increased tremendously and she is now required to perform multiple tasks ranging from delivery of vital services involving Community/women's Groups/Mahila Mandals and for ensuring the effective convergence of various sectoral services.

In the 'Broad Framework for Implementation of Restructured ICDS' approved by the Cabinet with the Restructuring & Strengthening of ICDS, the following provisions for rationalization of appointment of AWWs as Supervisors have been Made:

i) 25% posts of Supervisors reserved for AWWs would be filled by the method of induction under the ICDS Mission subject to fulfilment of desired educational qualification and age criteria; and

ii) Additional provision for filling up of 25% of vacant posts from AWWs based on their merit and track record of service and additional qualification would also be made.



The above position has been reviewed keeping in view the aspirations of these field functionaries, to encourage their participation in the higher posts vis-à-vis their merit and to improve their career prospects. The following guidelines on promotion and appointment of AWWs to the posts of Supervisors, in supersession of earlier guidelines, are conveyed to the States/UTs for compliance:

i) the 50% of vacancies in the posts of Supervisors would be filled up by promotion from amongst AWWs with 10 years of experience as AWWs and having the prescribed educational qualifications as per the Recruitment Rules for the post of Supervisor failing which the vacancies would be filled up by direct recruitment; and

(ii) The remaining 50% vacancies in the posts of Supervisors would be filled up by direct recruitment."

(ii) The petitioners contend that as per the aforestated policy of Government of India, 50% of the post of Supervisors should be filled up by promotion from amongst Anganwadi workers, who are graduates and who have 10 years of experience.

(iii) The petitioners claim that in the Government Order dated 07.10.2015, a provision is made in the Recruitment Rules for promoting Anganwadi workers who are graduates and who have put in 7 to 10 years of service. This notification further stated that the Government of India in its communication dated 15.09.2015 had stated that Anganwadi workers, who had put in more than ten years of service and who had requisite educational qualification may be promoted as Supervisors and the Recruitment Rules may be suitably amended and a direction was issued to prepare the seniority list of Anganwadi workers.



(iv) *The petitioners contend that as per the existing C and R Rules of the Department, the post of Female Supervisor carrying a pay-scale of Rs.14550-26700 is to be filled up through direct recruitment through competitive examination in the following manner:*

- (i) *55% by direct recruitment for persons having Bachelors Degree in Home Science, BSW, B.A. Home Science, B.A. Sociology including 5% for the in-service employees of the Department of Women and Child Development.*
- (ii) *20% by direct recruitment of Anganwadi workers possessing degree and having seven years of continuous service.*
- (iii) *25% by direct recruitment of Anganwadi workers who do not possess degree but who have put in ten years of service.*

(v) *The petitioners contend that Entry No.21 in the existing C and R Rules, 2013 has to be amended to ensure that it is in line with the instructions issued by the Government of India. It is contended that though a proposal is sent to the Government for amendment to C and R Rules, without awaiting for approval, recruitment to the post of Female Supervisor is undertaken under the existing Rules. The petitioners therefore, contend that if the same is not stopped, there would be no post available for the petitioners after the amendment to the C and R Rules is made.*

(vi) *It is contended that there are 557 posts of Supervisors and if the amendment as stated above is made to the C and R Rules, the quota for promotion will be 998 and for direct recruitment, it would be 998. However, as against 998 posts of direct recruitment, 1438 persons are already working in excess of quota. They contend that*



though instructions have been issued by the Government of India on 15.09.2015, no action is taken till date to amend the Recruitment Rules.

(vii) The petitioners contend that the State Government proposed to fill up 557 posts of Supervisors by direct recruitment through Karnataka Public Service Commission (KPSC), which invited applications in terms of the notification bearing No.PSC 1 RT(4) B1/2016. The petitioner No.1 in W.P.No.7923/2020 gave a representation on 17.10.2016 to the Department requesting it to amend the Recruitment Rules to provide for promotion to the post of Supervisor from the cadre of Anganwadi workers. Copies of this representation were furnished to various authorities of the State Government. The petitioners also gave representations seeking for promotion to the post of Supervisor. They were informed through the Child Development Officer that proposal is sent to the Government to amend the C and R Rules to provide for promotion to the post of Supervisors from the cadre of Anganwadi worker and that soon after the regulations are amended, the cases of the petitioners for promotion would be considered. The petitioners contend that notwithstanding this, the Department is proceeding to fill up the post through direct recruitment.

(viii) It is contended that the Deputy Director of the Child and Women Development Department in Mandya sought information regarding graduate Anganwadi workers working in Maddur Taluk. This information was purportedly sought for to give effect to the directions of the Ministry of



Women and Child Welfare, Government of India. Accordingly, the Child Development Project Officer, Maddur furnished information by communication dated 17.10.2015. They claimed that an RTI application was filed regarding preparation of seniority list of graduate Anganwadi workers for grant of promotion to the post of Supervisors. The Joint Director, Department of Child and Women Development furnished information stating that pursuant to the letter of Government of India dated 15.09.2015, steps are taken to amend the C and R Rules and that steps would be taken for preparation of the seniority list after the amendment. They contend that one Smt. Y. Halamma and three others had approached this Court in W.P.Nos.50591-50595/2018 for a direction to appoint them as Supervisors in the Department of Women and Child Development. The said writ petitions were disposed off on 19.03.2019. Subsequently, Smt. Tanuja and others filed W.P.Nos.35942-35947/2018 for a direction to consider their representations and the same were disposed off in terms of an order dated 14.08.2019. The petitioners contend that other Anganwadi workers also submitted representations seeking appointment to the post of Female Supervisor.

(ix) The petitioners are therefore, before this Court in these writ petitions claiming the aforementioned relief.

*4. The learned counsel for the petitioners reiterated the above contentions. Besides this, he contended that the Supreme Court of India had held that the post of Anganwadi Worker is a statutory post in view of in **MANIBEN***



MAGANBHAI BHARIYA VS. DISTRICT DEVELOPMENT OFFICER DAHOD AND ORS reported in (2022) 16 SCC 343 and therefore contends that Anganwadi Workers cannot be allowed to stagnate and work on honorary basis and in view of the perennial nature of work, they should provided promotional avenues.

5. (i) The writ petition is opposed by respondents - State, who have filed a statement of objections *inter alia* contending that Anganwadi workers and helpers are not Government servants and there are no promotional avenues for them. They claimed that as per C and R Rules, 2020, there is provision for 50% direct recruitment of Anganwadi workers possessing Degree with 5 years of continuous working experience and 25% direct recruitment of Anganwadi workers possessing PUC with 10 years of continuous working experience. They contend that there was no Government Order dated 07.10.2015 as mentioned by the petitioners in the petitions. On the contrary, they contend that the Joint Director had addressed a letter dated 07.10.2015 to the Deputy Directors of Women and Child Development and nowhere in the said letter, it was mentioned that provision is made in the Recruitment Rules for promotion of Anganwadi workers. They contend that this letter was addressed in view of a letter dated 15.09.2015 of the Government of India to furnish information about the Anganwadi workers, who possess Degree qualification and who have put in 10 years of continuous service, for preparing seniority list. It is contended that as per the C and R Rules, 2013, there is no scope for promotion to Anganwadi workers to the post of



female supervisors as they are employed on honorarium basis.

(ii) Further, they contend that the petition is filed in February, 2020, but as per the proposal submitted by the Department of Women and Child Development, the KPSC had issued a notification dated 3.02.2016 inviting applications from eligible candidates for selection of 557 posts of female supervisors and notification dated 05.10.2016 for selection of 86 female supervisors. They contend that 628 candidates from 3 categories were selected and final select list was published on 08.02.2019 and appointment orders were issued to all except a few. It is contended that unless C and R Rules are amended to fill up any percentage of vacant posts of female supervisors of Anganwadi workers, there is no possibility to grant promotion to Anganwadi workers as per the Government of India letter dated 15.09.2015.

(iii) It is claimed that in order to grant promotion to eligible Anganwadi workers, various meetings were held and considering the aspect that Anganwadi workers are not Government employees, decision is not taken to amend the existing C and R Rules. It is contended that the Government of Karnataka has framed new Rules called, "The Karnataka Department of Women and Child Development (Cadre and Recruitment) Rules, 2020". Though provision is not made under the Rules, 2020 for promotion of Anganwadi workers to the post of female supervisors, with a view to provide more opportunities to Anganwadi workers, 30% more



reservation is provided to Anganwadi workers possessing a Bachelors Degree with five years of continuous service and those who have passed PUC with 10 years of continuous experience.

(iv) It is contended that since the Anganwadi workers are not Government servants, it is difficult to amend the C and R Rules as suggested by the Government of India in their letter dated 15.09.2015 and therefore, the claims of the petitioners were rejected on 27.01.2020.

6. An affidavit of the Assistant Director (Admin), Department of Women and Child Development is filed on 21.11.2025 declaring as follows:

"2. I state that as per the Karnataka Department of Women and Child Development (Cadre and Recruitment) Rules, 2020 (for short 'C & R Rules'), the post of Female Supervisor at Sl.No.23 of the Schedule is to be filled up 25% by direct recruitment (open competition pool with 5% in-service quota for female employees of the Department), 50% by direct recruitment from Anganwadi Workers holding Bachelor Degree with 5 years of continuous working experience and 25% by direct recruitment from Anganwadi Workers passed in P.U.C. with 10 years of continuous working experience.

3. I state that the pool of 50% and 25% reserved for direct recruitment for Anganwadi Workers is a specific percentage reserved for presently working Anganwadi Workers and hence, in terms of the suggestion from this Hon'ble Court on the previous dates of hearing, the Department has no objection for "Reading Down" the words "Direct Recruitment" in Sl.No.23 Item (ii) and (iii) of the Schedule to the C & R Rules as "Promotion by Selection", as the effect of such "reading down" is in tune with the intendment of providing direct recruitment quota of 50% and 25% for presently



working Anganwadi Workers with degree and PUC qualifications respectively.

(emphasis added by Court)

4. I state that in the C & R Rules, 50% and 25% direct recruitment quota for Anganwadi Workers is to be filled up in accordance with Karnataka Civil Services (Direct Recruitment by Competitive Examination and Selection) (General) Rules, 2006 (for short "2006 Selection Rules"), which provides that selection in respect of Group-C posts shall be through competitive examination. However, it is submitted that though the C & R Rules still refer to 2006 Selection Rules, the same have been repealed as per Karnataka Civil Services (Direct Recruitment by Competitive Examination and Selection) (General) Rules 2021 (for short "2021 Selection Rules"), which under Rule 5 gives a discretion to the appointing authorities to choose any of the five methods as specified in Rule 5. One of the methods as provided in Rule 5(b) is selection on the basis of percentage of marks secured in qualifying examination. In view of the said provision in the 2021 Selection Rules, I state that the promotion by selection in respect of 50% and 25% quota for Anganwadi Workers holding Bachelor degree and PUC qualification respectively, will be carried out on the basis of percentage of marks secured in the qualifying examination (i.e., Bachelor degree examination and PUC examination), if directed by this Hon'ble Court."

(emphasis added by Court)

7. The learned Additional Advocate General submitted that as against the letter of Government of India, now the post of Female Supervisor can be filled through promotion by selection as a result of which, 50% of posts would be filled by promotion through selection from amongst candidates, who possess Degree qualification with five years of continuous service and 25% of posts would be filled by promotion through selection from amongst candidates, who possess PUC with ten years of continuous service. He contends that this would take care of the interests of the



Anganwadi workers as promotional avenue is now open to 75% of the posts. He also contends that the selection shall not be based on any interview or performance of interview, but shall be based on the educational qualification and the marks secured in the qualification prescribed.

8. When this Court questioned whether the respondents would grant weightage for the number of years of service put in while selecting candidates, he submitted that as was done in the case of guest lecturers, the Anganwadi workers may be granted 4 marks for every five years of service. This, he submits, would take care of any candidate loosing out on the basis of marks obtained in the qualifying examination.

9. In view of the above, the following order is passed:

ORDER

- (i) These writ petitions are **disposed off**.
- (ii) The words "Direct Recruitment" in Sl.No.23 item no.(ii) and (iii) of the schedule to the post of Female Supervisors in the Karnataka Department of Women and Child Development (Cadre and Recruitment) Rules, 2020, is read down as "Promotion by Selection".
- (iii) The basis of promotion by selection of Anganwadi Workers to the post of female supervisors shall be based on the qualification and the marks obtained by them at the qualifying examination. At such



selection, the Anganwadi Workers shall also be entitled to weightage at the rate of 4 marks for every five years of service as Anganwadi workers.

- (iv) *The respondents shall prepare a list of seniority of Anganwadi workers as on the date of filing of these writ petitions and extend the benefit to those Anganwadi workers who are still in service.”*

7. The Kalaburagi Bench in the case of ***Laxmi and Ors’s***
supra held as under:

“This petition is filed by the petitioners seeking following reliefs:

“(a). Issue a writ in the nature of mandamus directing the respondents to implement the notification No.1-2/2014-CD1 Government of India dated 15.9.2015 marked at Annexure-Q and the communication of the Deputy Director to the Director of Women and Child Development Department to appoint the petitioner as per communication dated 14.3.2016 marked at Annexure-AF as per list of candidates and the recommendation of the law department dated 20.2.2019 marked at Annexure-AE and to complete the formalities in appointing petitioners to the post of women supervisor in the Department of Women and Child Development.

(b). Issue any other writ, order or direction as deemed fit and proper in the facts and circumstances of the case including the cost of the writ petition, in the interest of justice and equity.

(b)(1). Issue an Order or direction or Writ in the nature of writ of Certiorari quashing the endorsement dated 17.01.2020 in No.MA.MAA.AA/NEE.SEE.May/29/



JA.DA/20192020/5664 issued by 3rd respondent marked at Annexure-AG.”

2. It is the case of the petitioners that their grievance is similar and the controversy involved is common question of law and fact. The petitioners were recruited as Anganawadi Workers under the Development Project of the Department of Women and Child Development, Government of Karnataka. The details of their service/experience, place of working and educational qualification are mentioned herein below:

Sl. No.	Name	Experience as Anganawadi Worker	Place of working	Qualification
1.	Laxmi	27 years,	Navadageri	B.A.,
2.	Baby	25 years,	Kamathana	B.A.,
3.	Karuna	20 years,	Idigere	B.A.,
4.	Ambuja	20 years,	Patakjali	B.A.,
5.	Manoranjini	36 years,	Mailur	B.A.,
6.	Jagadevi	21 years,	2 nd Sangolagi	B.A.,
7.	Vishalaxi	27 years,	Langurgalli	B.A., In Hindhi
8.	Arshiya Begum	09 Years,	Dulhandarwaza 2 nd	B.A.,
9.	Shanthamma	20 Years,	Pattedarwaza	B.A.,
10.	Aruna	27 years,	2 nd Kendra Mandakanahalli village	B.A.,
11.	Dattamma	19 years,	Kanthiganesh	B.A.,
12.	Champavathi	16 years,	Jama Majid	B.A.,
13.	Sumithra	25 years,	Bramanwadi	B.A.,
14.	Chandrakala	25 years,	Mannahalli	B.A.,



3. *Petitioners belong to different categories. They are doing work honestly without any complaints. They submit that initially there were no promotional avenues to the Anganawadi workers, as posts of Anganawadi Supervisors were required to be filled by direct recruitment. This being the state of affairs, Ministry of Women and Child Development, Government of India issued a Notification bearing No.1-2/2014-CD.1 dated 15.09.2015 and it was the policy of the Government of India that 50% of the Supervisors posts should be filled from among Anganawadi Workers who are graduates and who have 10 years of experience. It is further submitted that in the Government Order dated 07.10.2015, the provision has been made in the recruitment rules for promoting Anganawadi Workers who are graduates and who have put in 7/10 years of service, and further, the Government of India by its communication dated 15.09.2015 stated that Anganawadi Workers who have put in more than 10 years of service and who have requisite educational qualification may be promoted as Supervisors, and the recruitment rules may be suitably amended and directed to prepare seniority list of the Anganawadi Workers.*

4. *It is further contended that in accordance to the Cadre and Recruitment Rules of the Department, the post of female Supervisors carrying a pay scale of Rs.14,550 - Rs.26,700 is required to be filled up by direct recruitment through competitive examination in the following manner:*



i. “55% by direct recruitment for persons having Bachelors Degree in Home Science, BSW, BA Home Science, BA Sociology including 5% for the in-service employees of Women and Child Development Department.

ii. 20% by direct recruitment of Anganwadi workers possessing degree and having seven years of continuous service; and

iii. 25% by direct recruitment of Anganwadi Workers who do not possess degree but who have put in ten years of service.”

5. It is further contended that without amending the Cadre and Recruitment Rules as directed by the Government of India, the Department has given a requisition to the Karnataka Public Service Commission to fill up 557 posts of Supervisors by way of direct recruitment. On the basis of which the Karnataka Public Service Commission has invited applications through Notification bearing No.PSC 1 RT(4) B1/2016.

6. It is further contended that upon issuing the Notification, one Anganawadi Worker, namely Shivalingamma, gave a representation on 17.10.2016 requesting the Department to amend the recruitment rules to provide promotion to the post of Supervisor from the cadre of Anganawadi Workers as directed by the Government of India, and only thereafter, take steps for filling up the posts in accordance with the recruitment rules.

7. It is further contended that immediately after issuance of instructions by the Government of India on 15.09.2015, the applicants had given representation seeking



promotion to the post of Supervisors. The applicants were informed through the Child Development Officer that the proposal has been sent to the Government to amend the Cadre and Recruitment Rules to provide promotion to the post of Supervisor from the cadre of Anganawadi Workers and as and when the recruitment regulation is amended, the question of promotion will be considered. Accordingly, communication was issued on 22.07.2016. It is the grievance of the petitioners that despite the fact that a proposal to amend the regulation and provide promotional avenues to the Anganawadi Workers has been made, the Department is proceeding to fill up the posts by direct recruitment under the existing Cadre and Recruitment Rules. It is further contended that in pursuance of the Government Order dated 15.09.2015, the Deputy Director, Child and Women Development Department, Mandya, had called for information regarding the graduated Anganawadi Workers working in Maddur Taluk, which was obviously for giving effect to the direction of the Ministry of Women and Child Development, Government of India, by granting promotion to graduate Anganawadi Workers who have 10 years of experience as Anganawadi Workers. In response to the same, the CDPO, Maddur, furnished the information through the communication dated 17.10.2015.

8. *It is further contended that in response to the application seeking information under the RTI Act regarding preparation of seniority list of graduate Anganawadi Workers for promotion to the post of Supervisors, the Joint Director,*



Department of Child and Women Development, furnished information stating that as per the Government of India letter dated 15.09.2015 to enable grant of promotion to Anganawadi Workers to the post of Supervisors, steps have to be taken for amendment of the Cadre and Recruitment Rules, and after amendment of the Rules, steps would be taken for preparation of the seniority list.

9. *This being the state of affairs, several Anganawadi Workers filed petitions before this Court seeking relief to appoint as a Supervisor in the Department of Women and Child Development. Some of the petitions were disposed of by directing the Department to consider the representation. The petitioners are before this Court aggrieved by non-implementation of the direction issued by the Government of India by Notification dated 15.09.2015 and the recommendation of the Law Department dated 20.02.2019 as well as the communication of the Deputy Director dated 14.03.2016 concerning the petitioners. Hence, being left with no other alternative and efficacious remedy, they are before this Court seeking appointment of female Supervisors from the list of graduate Anganawadi Workers.*

10. *In similar circumstances, some of the identically placed petitioners approached this Court in W.P.No.7923/2020 connected with W.P.No.3801/2020, wherein an affidavit came to be filed by the Assistant Director (Admin), Department of Women and Child Development, which reads as follows:*



"2. I state that as per the Karnataka Department of Women and Child Development (Cadre and Recruitment) Rules, 2020 (for short 'C & R Rules'), the post of Female Supervisor at Sl.No.23 of the Schedule is to be filled up 25% by direct recruitment (open competition pool with 5% inservice quota for female employees of the Department), 50% by direct recruitment from Anganwadi Workers holding Bachelor Degree with 5 years of continuous working experience and 25% by direct recruitment from Anganwadi Workers passed in P.U.C. with 10 years of continuous working experience.

3. I state that the pool of 50% and 25% reserved for direct recruitment for Anganwadi Workers is a specific percentage reserved for presently working Anganwadi Workers and hence, in terms of the suggestion from this Hon'ble Court on the previous dates of hearing, the Department has no objection for "Reading Down" the words "Direct Recruitment" in Sl.No.23 Item (ii) and (iii) of the Schedule to the C & R Rules as "Promotion by Selection", as the effect of such "reading down" is in tune with the intendment of providing direct recruitment quota of 50% and 25% for presently working Anganwadi Workers with degree and PUC qualifications respectively."

11. I have heard the learned counsel for the petitioner and learned counsel appearing for the respondents including the learned Additional Government Advocate.

12. The learned Additional Government Advocate submitted that as against the letter of Government of India, now the post of Female Supervisor can be filled through promotion by selection as a result of which, 50% of posts would be filled by promotion through selection from amongst candidates, who possess Degree qualification with five years of continuous service and 25% of posts would be filled by promotion through selection from amongst



candidates, who possess PUC with ten years of continuous service. He contends that this would take care of the interests of the Anganawadi Workers as promotional avenue is now open to 75% of the posts. He also contends that the selection shall not be based on any interview or performance of interview, but shall be based on the educational qualification and the marks secured in the qualification prescribed.

13. When this Court questioned whether the respondents would grant weightage for the number of years of service put in while selecting candidates, he submitted that as was done in the case of Guest Lecturers, the Anganawadi workers may be granted 4 marks for every five years of service. This, he submits, would take care of any candidate loosing out on the basis of marks obtained in the qualifying examination.

14. In view of the above, the following order is passed:

ORDER

- (i) The writ petition is disposed off.*
- (ii) The words "Direct Recruitment" in Sl.No.23 item no.(ii) and (iii) of the schedule to the post of Female Supervisors in the Karnataka Department of Women and Child Development (Cadre and Recruitment) Rules, 2020, is read down as "Promotion by Selection".*



(iii) *The basis of promotion by selection of Anganawadi Workers to the post of female Supervisors shall be based on the qualification and the marks obtained by them at the qualifying examination. At such selection, the Anganawadi Workers shall also be entitled to weightage at the rate of 4 marks for every five years of service as Anganawadi workers.*

(iv) *The respondents shall prepare a list of seniority of Anganawadi Workers as on the date of filing of these writ petitions and extend the benefit to those Anganawadi workers who are still in service.*

(iv) *In view of the submission made by learned counsel for the petitioners that some of the petitioners are due for retirement, respondent No.2 shall make endeavor to complete the process within an outer limit of four months from the date of receipt of certified copy of this order."*

8. Under these circumstances, insofar as prayer (a) is concerned, sought for by the petitioner, I am of the view that the petition deserves to be allowed and disposed of in terms of the said judgments.

9. Insofar as prayer (b) is concerned, sought for by the petitioner, having regard to the findings recorded by him in prayer (a) supra and in the light of aforesaid judgments, I deem it just and appropriate to direct respondent No.2 to prepare the Seniority list of



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Anganwadi workers taking into account district wise Seniority list of Anganwadi workers and to prepare the list for promotion to the next cadre of Female Supervisors in respondent No.2 - Department and consider their request for promotion in accordance with law within a period of three months from the date of receipt of copy of this order.

Subject to the aforesaid directions, petition stands disposed of.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

MDS
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