



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.G.S.KAMAL

WRIT PETITION NO. 201916 OF 2019 (S-RES)

BETWEEN:

AWWAMMA W/O LATE MAHADEV MANASUNGI,
AGED ABOUT 37 YEARS, OCC: NIL,
R/O. BALAGANUR, TQ. SINDGI,
DIST. VIJAYAPUR.

...PETITIONER

(BY SRI G. G. CHAGASHETTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT &
HANDICAPPED & SENIOR CITIZEN EMPOWERMENT
DEPARTMENT, VIKASA SOUDHA,
BANGALORE-1.
2. THE DEPUTY COMMISSIONER
& PRESIDENT OF SELECTION COMMITTEE OF
ANGANWADI WORKERS,
VIJAYAPUR-586101.
3. THE DEPUTY DIRECTOR
OF WOMEN & CHILD DEVELOPMENT DEPARTMENT &
MEMBER SECRETARY ANGANWADI WORKER &
HELPERS COMMITTEE,

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



VIJAYAPUR-586101.

4. THE CHILD DEVELOPMENT/
PLANNING OFFICER & MEMBER SECRETARY (CDPO),
ANGANWADI WORKERS/HELPERS SELECTION
COMMITTEE, SINDGI, DIST. VIJAYAPUR-586128.
5. SMT. YELLAMMA KENCHAPPA ANACHI,
AGE:MAJOR, OCC: ANGANWADI HELPER,
BALGANUR OF WARD NO.05,
R/O. BALAGANUR, TQ.SINDGI,
DIST. VIJAYAPUR-586101.
6. SMT.PUSHPAVATHI TUKARAM UPPAR,
AGE:MAJOR, OCC: ANGANWADI HELPER
OF WARD NO.06,
R/O. BALAGANUR, TQ.SINDGI,
DIST. VIJAYAPUR-586101.

...RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1 TO R4;
SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE FOR R5;
SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO (A) ISSUE A WRIT OF CERTIORARI AND TO QUASH THE ORDER OF APPOINTMENT OF THE 5TH RESPONDENT DATED 04.01.2019 ISSUED BY THE 4TH RESPONDENT IN NO.SHIAAYOSIM/ AUMSA/KAHA/2018-19 PRODUCED AT ANNEXURE-G AND TO QUASH THE ORDER OF APPOINTMENT OF RESPONDENT NO.6 DATED 28.11.2018 IN NO.SHIAAYOSIM/ AUMSA/KAHA/2018-19 ISSUED BY THE RESPONDENT NO.4 PRODUCED AT ANNEXURE-F AND ENDORSEMENT DATED 16.02.2019 ISSUED BY THE 4TH RESPONDENT IN NO.SHIAAYOSIM/AUM.SA.NE/2018-19/473 PRODUCED AT ANNEXURE-J. (B) ISSUE A WRIT, ORDER OR DIRECTION, DIRECTING THE RESPONDENTS NO.1 TO 4 APPOINT THE PETITIONER TO THE POST OF ANGANWADI HELPER OF



BALAGANUR ANGANWADI CENTRE NO.05 OR 06 WITH ALL OTHER CONSEQUENTIAL BENEFITS.

(C) ISSUE ANY OTHER SUITABLE WRIT, ORDER OR DIRECTION AS THIS HON'BLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING AN ORDER OF COST.

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

CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

The petitioner in response to a notification dated 09.08.2017 produced at Annexure-A1 issued by respondent Nos.4 and 5 calling for applications to the post of Helper of Balaganur Anganvadi Centers - 5 and 6, had applied under the quota provided for 'widow'. Her application was filed on 06.09.2017 produced at Annexure-C. That along with the said application, she had also enclosed documents namely date of birth certificate, marks card, residential certificate, election ID card, aadhar card, death certificate, income and caste certificate, house tax paid receipt etc. However, the respondent-authorities



had withdrawn the said notification by issuing a fresh notification dated 23.09.2017 produced at Annexure-A requiring the applicant to upload the applications along with requisite documents mentioned therein.

2. In response thereof petitioner uploaded her application seeking appointment to the post of Anganvadi Helper of the aforesaid Anganvadi Center, copy of which is produced at Annexure-C2. The petitioner had specifically mentioned her status of being a 'widow' in the said application. However, final selection list which was issued by the respondent - authorities as per Annexure-E did not indicate name of the petitioner. However, name of one Smt.Bauramma B. Patil in the quota reserved for 'widow' and names of Smt.Yellamma Kenchappa Anaki and Smt.Pushpavathi Tukaram Uppar, respondent Nos.5 and 6 herein were enlisted.

3. Being aggrieved, petitioner caused issue of notice through her counsel as per Annexure-H. In response whereof, respondent No.4 issued a



communication dated 16.02.2019 at Annexure-J contending that the online application filed by the petitioner was incomplete as the petitioner had not uploaded the 'death certificate of her husband' to evidence the fact of she being a 'widow'. That uploading of the required document was essential and indispensable as per Condition No.4 of page 6 of the guidelines. The non-compliance of the same has resulted in rejection of the application of the petitioner. That there is no provision for reconsideration of her application for appointment of the Anganvadi Helper.

4. In the meanwhile, respondent Nos.5 and 6 were issued appointment orders dated 04.01.2019 and 28.11.2019 as per Annexures 'G' and 'F' respectively. In the aforesaid factual background, petitioner approached this Court seeking quash of the orders of appointment of respondent Nos.5 and 6 produced at Annexures-G and F respectively and the reply dated 16.02.2019 issued by respondent No.4.



5. Learned counsel appearing for the petitioner taking this Court through the records at the out-set submit that non-uploading of the document namely 'the death certificate of the husband of the petitioner' is the only reason for the respondent-authorities to reject the application filed by the petitioner which runs contrary to the settled proposition of law. He relies upon the judgment of the Division Bench of this Court in the case of ***Smt.Ambuja vs. State of Karnataka and others***, in **W.A.No.200257/2024** dated **21.03.2025**, which is followed by another Division Bench of this Court in the case of ***Sudharani vs. State of Karnataka*** in **W.A.No.2000187/2024** dated **28.04.2025**. Relying upon the aforesaid judgments, the counsel insists that depending upon the facts of each case there shall be relaxation in implementing the guidelines. He submits that since the petitioner when she filed the application in response to the first notification had physically submitted the application along with required applications, there was



a slip while she was uploading the application in pursuant to the second notification, in that she had missed out uploading the 'death certificate of her husband'. However, he submits that the petitioner had indicated her status being 'widow' which is evident from the copy of the online application produced at Annexure-C2. He submits all that was required was production of document in proof of the information she had already submitted. The same ought to have been considered by the authorities instead of strictly applying the guidelines which the Division Bench of this Court has turned down in the similar facts and circumstances of the case. Hence, seeks for allowing of the writ petition.

6. He further submits there were three posts notified to the Anganvadi center of Balaganur of which one post has already been given to Smt.Bouramma D.Patil, under the 'widow' quota, while respondent Nos.5 and 6 herein have been given under the regular quota. He submits in terms of the guidelines provided for



appointment of Anganvadi worker/helper as per the Government Order dated 23.09.2017, a 'widow' shall be given preference to the others. He submits the petitioner being fully eligible and qualified ought to have been considered. Mere non production of the death certificate of her husband ought not to have been the reason for rejection of the application. Hence, seeks for allowing of the petition.

7. Learned Additional Government Advocate appearing for the respondent No.1 to 4-authorities, justifying the action of the authorities submit that no fault can be attributed on the action of the respondent-authorities, as they have simply followed the guidelines provided. He refers to para No.V of the Government Order dated 23.09.2017 providing procedure for submitting the application online. He specifically points out that the documents that are required to be uploaded along with the application. In the case of applicant seeking appointment under the quota 'widow', the sixth document namely



'Death Certificate of the husband' is essential and that the 'widow pension certificate' could not be considered. He also refers to Clause VI(4) of the said guideline which indicates that along with the online application if the required documents are not enclosed such application would be rejected. Pointing out to these, the learned Additional Government Advocate submits that the respondent-authorities cannot be found fault with as they have merely followed the guidelines. Hence, seeks for dismissal of the petition.

8. Smt. Ratna N.Shivayogimath, learned counsel appearing for respondent No.6 submits the provisional selection list was announced on 18.08.2018 while the final selection list was published on 04.10.2018. However, the petitioner has not chosen to file any objection either to the provisional selection list or to the final selection list except apparently causing issue of notice to the counsel on 08.02.2019 and the petitioner has approached this Court



only in the month of April, 2019 which is after six months from the date of the issuance of the final notification.

9. She also draws the attention of this Court to the provisional selection list as well as the final selection list pertaining to the Balaganur reserved post and submits since the petitioner had not filed any statement of objection, and since her application found to be defective, the respondent - authorities had proceeded to appoint respondent No.6 to the said post, which cannot be found fault with and seeks for dismissal of the petition.

10. The counsel appearing for respondent No.5. submits that since the petitioner has sought appointment to the post of Anganvadi Helper of Balaganur Anganvadi Center-6, she has no cause of action to disturb the appointment of respondent No.5 who has been appointed to the Anganvadi Centre, Balaganur -5.

11. Heard. Perused the records.



12. The facts narrated above do not require any iteration. The only point requires consideration is :

"Whether the petitioner is entitled for consideration of her application notwithstanding she not uploading the 'death certificate of her husband' ?"

13. Consistent position of law as held by the Division Bench of this Court in the cases referred to by the petitioner as noted above which in turn rely upon the judgment of the Hon'ble Apex Court in the case of ***Dolly Chhanda*** vs. ***Chairman, JEE and others*** reported in **(2005) 9 SCC 779**, in that non-production of documents while submitting the application is a curable defect. Provided the candidates should otherwise possess the eligibility criteria prior to submitting the application.

14. In the instant case, there is no dispute regarding petitioner being a widow. She had indicated her status in the application produced at Annexure-C2 which has been uploaded. Records also reveal that when the



respondent-authorities had called for application on an earlier occasion by issuing a notification dated 09.08.2017, she had filed first application on 06.09.2017. The said application was submitted physically and the petitioner had admittedly enclosed all the required documents. The observation made by the Hon'ble Apex Court in **Dolly Chhanda's** case (supra), which is extracted in the orders of the Division Bench of this Court referred to above, reads as under :

"7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary. There can be no relaxation in this regard i.e., in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or marksheets. Similarly, in order to avail of the benefit of reservation or weightage, etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement to benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to



submission of proof need not necessarily result in rejection of candidature."

15. Since the Co-Ordinate Bench of this Court and the Division Bench of this Court have consistently followed the judgment of the Hon'ble Apex Court in ***Dolly Chhanda***'s case (supra), providing for relaxation in the matter of submission of proof without applying rigid principles which falls within the domain of procedural aspects, this Court do not see any reason to differ from the same.

16. As regards the contention urged by the counsel for the private respondent No.6, petitioner being complacent and not filing her objection to the provisional selection list dated 18.08.2018 and the final list dated 04.10.2018 respectively and approaching this Court after lapse of four months, would be of no consequences inasmuch as petitioner has no grievance regarding appointment of respondent No.6. Her grievance is only rejection of her application by the authorities for mere



non-uploading of the document. In that view of the matter, petition is partly ***allowed***.

17. The endorsement dated 16.02.2019 at Annexure-J issued by respondent No.4 is quashed. Matter is remitted back. Respondent Nos.2, 3 and 4 who shall reconsider the application of the petitioner along with the documents which she has submitted in proof of she being a 'widow' and pass appropriate order.

18. Since the respondent Nos.5 and 6 who have already been appointed and discharging their duties as Helper of the Anganvadi Centers for over 7 years, respondent-authorities shall consider the application of the petitioner without disturbing the posting of respondent Nos.5 and 6. respondent-authorities shall ensure that the guidelines provided for appointment of petitioner in the quota of 'widow' be complied with by appointing the petitioner at available posts within the Balaganur Anganvadi area or any nearby Anganvadi centre.



19. Such consideration shall be made and orders passed in this regard shall be communicated to the petitioner within a period of three months from the date of receipt of certified copy of this order.

Sd/-
(M.G.S.KAMAL)
JUDGE

SN
List No.: 1 Sl No.: 19
CT:PK