

03. 14.02.2019 Heard Mr. S.K. Das, learned counsel for the petitioner and Mr. A.K. Mishra, learned Addl. Government Advocate.

The petitioner has filed this application seeking to quash the order dated 16.08.2018 passed by the ADM, Kendrapara in Anganwadi Misc. Appeal No. 10 of 2010 under Annexure-6 and also the consequential advertisement no. 921 dated 16.11.2018 under Annexure-7 and further seeks for a direction to opposite party no.3 to engage the petitioner as an Anganwadi worker of Bahadiha Anganwadi Centre.

Mr. S.K. Das, learned counsel for the petitioner contended that pursuant to the advertisement no. 701 dated 29.11.2009, the petitioner along with others applied for the post of Anganwadi Worker of Bahadiha Anganwadi Centre under Aul Block. As many as six applications were received. Out of the said six applications, the candidature of Kamini Pradhan and Minati Pani were rejected at the time of scrutiny on the ground of outsider. Therefore a comparative statement of the rest four candidates showing the merit list was prepared, wherein Mamata Nath- opposite party no.4 was shown at serial no.1 having secured highest percentage of marks i.e., 73.75%, Sulochana Samal- opposite party no.5 was shown at serial no.2 having secured 50.85 %, the name of the petitioner- Bharati Pradhan was shown at serial no. 3 having secured 50.6 % of marks and Jayanti Barik-

opposite party no.6 was shown at serial no. 4, having secured 46.6 % of marks. Mr. Das, further contended that the appointment of the opposite party no.4- Mamata Nath was objected by the petitioner as the certificate issued opposite party no.4 is a forged one. So far as opposite party no.-5 is concerned, she is no more interested to join. Therefore, the petitioner being the 3rd candidate, she has to be appointed against the vacancy available. As such, there is an interim order passed in W.P.(C) No. 22182 of 2012 filed by the petitioner and the said writ petition was disposed of on 17.04.2018. Therefore, the Additional District Magistrate while considering the Anganwadi Appeal No. 10 of 2010 should have taken into consideration the above aspect, as the same has not been considered in proper perspective and a fresh advertisement has been issued in Annexure-8. The order passed by the ADM in Anganwadi Misc. Appeal No. 10 of 2010 has been challenged in this petition and fresh advertisement could not have been directed to be issued by the appellate authority, which requires interference by this Court.

Issue notice.

Three extra copy of the writ petition be served on Mr. A.K. Mishra, learned Addl. Government Advocate Education Department, who appears for opposite parties no. 1 to 3, within three days.

Steps to serve notice on the opposite parties no. 4 to 6 by registered post with A.D. be taken within

three days. Office shall send notice fixing a short returnable date.

As an interim measure, the process of selection pursuant to advertisement dated 16.11.2018 in Annexure-7 may continue, but the same shall not be finalized without leave of this Court.

Issue urgent certified copy as per rules.

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Dr. B.R. Sarangi, J

Ajaya