



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 20546 of 2018
CNR No.ODHC010600122018

Bharati Pradhan @ Rout

Appellant
Mr. S.K. Das, Adv.

-versus-

State of Odisha & Others

Respondents
Mr. A. Tripathy, AGA

COROM:
THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
27.08.2026

Order No

- 8.** 1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel appearing for the parties.
3. The present Writ Petition has been filed inter alia challenging order dtd. 16.08.2018 so passed by Opp. party under Annexure-6 and consequential advertisement issued by Opp. Party No.3 on 16.11.2018 under Annexure-7. Vide the said order, appeal filed by the Petitioner in Anganwadi Mise. Appeal No. 10 of 2010, while being disposed, ADM, Kendrapara, Opp. Party No.2 directed for fresh selection, instead of directing the concerned CDPO to engage the Petitioner, being the third candidate in the merit list.
- 3.1. It is contended that pursuant to the selection process by CDPO, Kendrapara-Opp. Party No.3 on 30.11.2009, Petitioner participated in the selection process along with others. It is contended that in the said selection process, one Mamata Nath was found eligible having secured 73.75% Mark. However, since Mamata Nath got such



benefit by committing fraud, she after getting the benefit of engagement, suo-moto left the job. The second candidate in the merit list namely, one Sulachana Samal having secured 50.85 mark expressed her unwillingness to get the benefit of engagement, after the selected candidate Mamata Nath left the job, Petitioner being third in the merit list having secured 50.65 mark was not given the benefit of engagement and in the alternate, ADM, Kendrapara-Opp. party No.2 vide the impugned order dtd. 16.08.2018 under Annexure-6 directed for fresh selection.

3.2. It is contended that pursuant to such order, when an advertisement was issued by Opp. party No.3 on dtd. 16.11.2018 under Annexure-7, the present Writ Petition was filed challenging order dtd. 16.08.2018 and so also the advertisement issued on 16.11.2018 under Annexures-6 & 7. It is contended that this Court while issuing notice of the matter vide order dt. 14.02.2019 passed an interim order, restraining the Opp. Parties from proceeding with the selection process, in terms of Annexure-7 advertisement. It is further contended that while disposing the appeal vide the impugned order, Opp. party No.2, pending fresh selection, directed the Anganwadi Worker of nearby Center to manage the Anganwadi Centre in which the applicant is eligible to get the benefit of engagement.

3.3. It is contended that since in the selection process so initiated, the first candidate in the merit list left the job after getting the benefit of engagement because of the fraud committed by her and the second candidate in the merit list, expressed her unwillingness to be engaged, Petitioner being third in the merit list, which is not disputed, should



have been given the benefit of engagement, instead of directing for fresh selection vide the impugned order under Annexure-6.

3.4 It is further contended that because of interim order passed by this Court, selection process has not been undertaken and the Centre is being managed by the Anganwadi Worker of a nearby Centre. It is accordingly contended that with quashing of the impugned order as well as the advertisement under Annexure-6 and 7, Opp. party No.3 be directed to engage the Petitioner as Anganwadi Worker of Bahadiha Anganwadi Centre under ICDS project, Kendrapara.

4. Even though notice of the Writ Petition has been issued since 14.02.2019, but no counter affidavit has been filed by the State as yet. Not only that, on the face of appearance on behalf of Opp. party No4, nobody is present today when the matter was taken up.

5. Learned Addl. Govt. Advocate on the other hand basing on the materials available on record contended that since the first candidate left the job after the fraud was detected and the second candidate in the merit list expressed her unwillingness to be engaged, Opp. Party No.2 though it proper to go for a fresh selection instead of allowing engagement in favour of the present Petitioner. It is contended that since Petitioner was third in the merit list, no illegality or irregularity can be found with the impugned order. However, it is contended that because of the interim order, fresh selection process has not yet been finalized and the Centre is being managed by the Anganwadi Worker of nearby Centre.



6. Having heard learned counsel appearing for the parties and considering the submission made, this Court finds that pursuant to the advertisement issued in the year 2009, Petitioner along with others participated in the selection process for engagement as Anganwadi Worker in Bahadiha Anganwadi Centre. As found, challenging the selection and engagement of the first candidate in the merit list, namely Mamata Nath, Petitioner filed Angawadi Misc. Appeal No. 10 of 2010. The said appeal when was dismissed, Petitioner challenging the same, approached this Court by filing W.P (C) No.22182 of 2012. This Court vide order dtd. 17.04.2018, while disposing the Writ Petition, with quashing of the impugned order, directed Opp. party No.2 to re-decide the appeal on merit

6.1. As found in terms of the said order, Opp. party No.2 took up the appeal and passed the impugned order on 16.08.2018 under Annexure-6. As per the said order, Opp. party No.2 directed for fresh selection, instead of directing CDPO, Kendrapara to engage the Petitioner, who is admittedly placed in the third position in the merit list.

6.2. Since it is not disputed that the candidate selected and got the benefit of engagement, left the job when fraud was detected and the second candidate in the merit list expressed her unwillingness to get the benefit and the Centre is being run by the Angawanwadi worker of a nearby center since 2018, it is the view of this Court that Opp. Party No.2 should have directed for engagement of the Petitioner being third in the merit list.

6.3. Not only that, selection process initiated in terms of the impugned order under Annexure-6, with issuance of the



advertisement dtd.16.11.2018 under Annexure-7, has not yet been finalized because of the interim order passed by this Court on 14.02.2019 and the Centre is being managed by the Anganwadi Worker of nearby Centre.

6.4. In view of the aforesaid analysis and the fact that Petitioner was 3rd in the merit list, this Court while interfering with the impugned order dt.16.08.2018 under Annexure-6 of Opp. Party No.2 is inclined to quash the same and so also the advertisement issued on 16.11.2018 under Annexure-7 by Opp. Party No.3. While quashing the order and the advertisement under Annexures-6 & 7, this Court directs Opp. Party No.3 to provide engagement to the Petitioner as Anganwadi Worker of Bahadiha Anganwadi Centre. Such order of engagement be issued within a period of 4(four) weeks from the date of receipt of this order.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: AUTHENTICATION OF ORDER
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 02-Sep-2026 20:09:16

