
(2025) 12 OHC CK 0031

Orissa HC

Case No: Writ Petition (C) No. 25215 Of 2024

Umakanti Sahu

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision: Dec. 5, 2025

Hon'ble Judges: Sashikanta Mishra, J

Bench: Single Bench

Advocate: Bansidhar Satapathy, S. Behera

Final Decision: Allowed

Judgement

Sashikanta Mishra, J

1. The petitioner has filed this writ application with the following prayer:-

“Under the aforesaid facts and circumstances of the case, it is humbly prayed that this Hon’ble Court may graciously be pleased to issue notice to the opposite parties, call for relevant records and after hearing counsel of parties issue a writ in the nature of mandamus or any other appropriate writ quashing the impugned Notification No.976 dated 23.09.2024 under Annexure-1 and commanding Opposite parties particularly to the Opposite Party Nos.4 and 5 to finalize the selection and issue engagement order in favour of the petitioner as Anganwadi Worker of Khuntasamalai-2 Anganwadi Center under ICDS Project, Patnagarh within a stipulated time;

And/or pass such other order/orders so as to give complete relief to the petitioner.

And for this act of kindness, the petitioner as in duty bound shall ever pray.”

2. The facts of the case, briefly stated are that pursuant to notification dated 24.08.2015 issued by the CDPO, Patnagarh inviting applications for engagement of Anganwadi Worker for Khuntasamalai-2 Anganwadi Center, the petitioner and three other candidates submitted their applications. The petitioner secured highest marks among all the candidates but was not selected on the ground that she had not submitted her resident certificate in terms of the advertisement.

The petitioner claims to be a resident of the service area of the Anganwadi Center and had submitted resident certificate showing her as such along with other documents. The petitioner subsequently submitted a resident certificate of the year 2015. In the meantime, the selection process was stalled as one of the candidates namely, Sujata Taria filed a writ application before this Court being W.P.(C) No.14582 of 2016. The petitioner also approached this Court in W.P.(C) No.7103 of 2020 seeking a direction to the authorities to finalize the selection process and to engage her as Anganwadi Worker. This Court, by order dated 26.07.2024 disposed of the writ application by directing the Sub-Collector, Patnagarh to take steps for conclusion of the selection process as early as possible, preferably, within a period of four weeks.

The Sub-Collector caused an enquiry with regard to the resident status of the candidates but instead of finalizing the same, took decision to cancel the notification and issue a fresh notification. The fresh notification was accordingly issued on 23.09.2024, which is impugned. On such facts, the petitioner has filed the present writ application with the prayer as quoted above.

3. Counter affidavit has been filed by the C.D.P.O., Patnagarh (O.P. No.5) inter alia, stating that in course of enquiry conducted by the Tahasildar, Patnagarh, it was found that the petitioner has not been residing in her village since six years and had submitted a resident certificate of the year 2014. As per the notification, she was required to produce the certificate of the year 2015 on or before 07.09.2015 but she subsequently produced the certificate dated 10.09.2015, which was not considered as it was after the due date. As such, her higher mark had no role to play. In the other writ application filed by one Sujata Taria in W.P.(C) No.14582 of 2016, similar direction was issued by this Court to the Sub-Collector to take steps for conclusion of the selection process. Accordingly, a joint proceeding was undertaken by the selection committee and an enquiry was decided to be conducted by the Tahasildar, Patnagarh. On enquiry, it was revealed that Sujata Taria is a permanent resident of Patnagarh NAC and therefore, she was asked to show cause as to why her claim to the post shall not be cancelled. She admitted that she had not been residing in Khuntasamalai village since six years. As regards the petitioner, it was also found that she was not a resident of the said village.

Therefore, in order to avoid any ambiguity, the selection committee in its meeting held on 31.08.2024, decided to cancel the old notification and to issue fresh advertisement with due process of law.

4. The petitioner filed rejoinder seeking to refute the stand taken in the counter affidavit. It is stated that she had enclosed a resident certificate of the year 2014 along with her application with an undertaking to submit the resident certificate of 2015 after obtaining the same. She applied for resident certificate online on 02.09.2015 and the same was delivered on 10.09.2015 i.e., after the last date 07.09.2014. She submitted the certificate on 14.09.2015, which was accepted one day before objections were invited. Since she had secured the highest marks, she ought to have been selected instead of cancelling the earlier notification.

5. Heard Mr. B. Satapathy, learned counsel appearing for the petitioner and Mr. S. Behera, learned Additional Government Advocate appearing for the State.

6. Mr. Satapathy would argue that the claim of the petitioner of being a permanent resident of Khuntasamalai village has not been proved wrong in any manner. Moreover, she was issued with resident certificates in 2014 as well as in 2015, which proves her permanent residence in the village. After issuance of the advertisement, she applied for a resident certificate afresh on 02.09.2015 but the same was supplied to her only on 10.09.2015, which is not her fault by any means. In any case, she had submitted the certificate prior to the date on which notification was issued inviting objections. Her candidature was cancelled on hyper-technical grounds, even though she was the most meritorious candidate and the other contender namely Sujata Taria was found to have moved to Patnagarh since the last six years.

7. Mr. Behera, on the other hand, would argue that as per the terms of the advertisement, the candidates were required to upload the resident certificate issued in the year 2015. The petitioner admittedly had not done so but had enclosed the certificate of the year 2014. So even though she secured higher marks and submitted a fresh resident certificate, yet the same being after the cut-off date could not have been accepted. The selection process, according to Mr. Behera was therefore, rightly cancelled.

8. Consideration of the facts involved would reveal that the petitioner had submitted a resident certificate of the year 2014. Copy of the advertisement dated 24.08.2015 enclosed as Annexure-4 to the writ application reveals that the candidates were required to submit resident certificate issued by the Tahasildar in 2015. There is no dispute that the petitioner had submitted a certificate of the year 2014, which obviously proves her claim of being a resident of Khuntasamalai village. The advertisement was issued on 24.08.2015 and shortly thereafter i.e., on 02.09.2015, the petitioner applied for issuance of a fresh resident certificate. Obviously, being in possession of a resident certificate issued in the year 2014, there was no occasion for the petitioner to be ready with another resident certificate of the year 2015 anticipating that the advertisement would be issued. Copy of the receipt/acknowledgement shows that the petitioner had applied on 02.09.2015 and the certificate was issued on 10.09.2015. She thereafter, submitted the certificate before the CDPO.

The enquiry report of the Tahasildar, copy of which is enclosed as Annexure-D/5 to the counter reveals that the same was only in respect of Sujata Taria and it contains nothing in respect of the petitioner. Therefore, the averment in paragraph-14 of the counter affidavit that from the report of the Tahasildar dated 24.07.2024, it came to notice that the present petitioner and Sujata Taria are not residing in village Khuntasamalai is factually incorrect. On the contrary, the enquiry report shows that only Sujata Taria was no longer a resident of the said village having moved to Patnagarh.

9. Thus, from the conspectus of the facts placed before this Court, it is evident that though the petitioner had submitted the certificate of the year 2014, yet she had also applied for a fresh certificate of the year 2015 shortly after publication of the advertisement. The certificate was issued after the last date i.e., on 07.09.2025. The delay in this regard cannot obviously be attributed to the petitioner nor can it be said that the petitioner anticipating the issuance of the advertisement would have been ready with a resident certificate of the year 2015. The authorities

appear to have adopted a technical approach. The prevailing guidelines mandate that the person to be engaged as Anganwadi Worker must be a resident of the service area of the center. The petitioner has fulfilled such requirement undoubtedly. So, only because she could not submit the required certificate within the cut-off date but submitted the same three days later and that too, for delay in issuance thereof at the end of the Tahasildar, her claim for consideration for engagement could not have been rejected.

10. The petitioner admittedly was the most meritorious among the candidates and is proved to be a permanent resident of Khuntasamalai village. This Court is therefore, of the considered view that she ought to be engaged. In such view of the matter, the decision taken to issue fresh advertisement becomes untenable and consequently, the impugned notification is rendered unsustainable in the eye of law.

11. For the foregoing reasons therefore, the writ application is allowed. The impugned notification is hereby quashed. The Opposite Party authorities are directed to issue engagement order in favour of the petitioner as Anganwadi Worker without any further delay and in any case, not later than three weeks from today.