
(2013) 08 AP CK 0083

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 21783 of 2013 and batch

V. Lalitha and Others

APPELLANT

Vs

Regional Joint Director, Women Development and Child
Welfare and Others

RESPONDENT

Date of Decision : 02-08-2013

Acts Referred:

Citation : (2013) 5 ALT 602

Hon'ble Judges : R. Subhash Reddy, J;A.V. Sessa Sai, J

Bench : Division Bench

Advocate : J. Sudhir, S. Lakshma Reddy, Ms. M. Vidyavathi, Prabhakar
Bommagani, M. Vidyasagar and Rudresh Deshpande, for the Appellant;

Judgement

R. Subhash Reddy, J.—The petitioners, who are presently working as Anganwadi Workers in the Integrated Child Development Services (ICDS) Scheme, have filed this batch of writ petitions questioning the fixation of upper age limit at 45 years for recruitment to the post of Supervisor Grade-II. Some of the petitioners have questioned such restriction by filing applications u/s 19 of the Administrative Tribunals Act, 1985, before the A.P. Administrative Tribunal, Hyderabad, and the same were dismissed by the Tribunal by order dated 16th July 2013, against which, some writ petitions of this batch are filed. The remaining writ petitions are filed directly before this Court with an allegation that as the recruitment is not to a civil post, such writ petitions can be maintained directly before this Court under Article 226 of the Constitution of India. As much as all the writ petitions involve the same question of law on similar set of facts, they are heard together and are being disposed of by this common order. For the purpose of disposal, we refer to the facts as arise in W.P. No. 21783 of 2013. The Government of India has introduced the Integrated Child Development Services Scheme with the main objective of improving the health, nutrition and needs of young children, pregnant women and nourishing mothers. The said scheme was introduced in 1975 and is being implemented through State Governments. As per the norms notified in the said scheme, for every 400 to 800 population, there will be one

Anganwadi Centre (AWC) and one Supervisor post is sanctioned for every 25 Anganwadi Centres for effective maintenance and supervision of such centres. As stated in the counter affidavit, there are 200 to 250 Anganwadi Centres in an ICDS project, headed by the Child Development Project Officer.

2. The Anganwadi Worker is a grass-root level functionary, appointed under the ICDS scheme and is an honorary worker and is paid monthly honorarium. As per the conditions notified in G.O.Ms. No. 21, Women Development, Child Welfare and Disabled Welfare (ICDS) Department, dated 24th August 2007, guidelines are prescribed with regard to educational qualifications, age limit etc., for appointment to the post of Anganwadi Worker. As per the said guidelines, a candidate should be a local married woman, must have passed 10th class and must be in the age group of 21 to 35 years as on 1st July of the recruiting year.

3. After receiving proposals from various departments to fill up the vacancies, the State of Andhra Pradesh has issued orders in G.O.Ms. No. 183, dated 02.07.2013, permitting various departments to fill up 24,078 vacant posts through direct recruitment. So far as Women Development and Child Welfare Department is concerned, Government has permitted to fill up 1741 posts of Supervisor Grade-II through Departmental Selection Committee. Consequently, the Commissionerate of Women Development and Child Welfare Department, A.P., Hyderabad, has issued Memo No. 281/C1/2011, dated 02.07.2013, instructing the Regional Joint Directors to issue necessary notifications for appointment of Supervisors Grade-II in their respective zones. The Schedule for conducting the examination and the zonal-wise vacancy position, are given in Annexures-I and II respectively, which read as under:

Acting upon such instructions issued by the Commissionerate of Women Development and Child Welfare Department, the District Collector/Chairman of the Selection Committee for selection to the post of Supervisor Grade-II, have issued notifications inviting applications in respective zones. In the notifications, eligibility criteria is notified indicating that the Anganwadi Workers who have passed SSC with 10 years of continuous service as Anganwadi Worker as on 01.07.2013 and who have completed 45 years of age as on 01.07.2013, are eligible to apply for such posts. All the petitioners herein, who are initially appointed as Anganwadi Workers in different years, though completed 10 years of service as Anganwadi Workers, they have crossed 45 years of age as on 01.07.2013. Therefore, aggrieved by such fixation of upper age limit of 45 years as on 01.07.2013, they approached the A.P. Administrative Tribunal, Hyderabad and also this Court. The Tribunal, by order dated 16.07.2013, passed in the batch of cases in O.A. No. 3511 of 2013 and batch, dismissed the applications by recording a finding that the Government has taken a policy decision, fixing the maximum age limit at 45 years by taking into account not only the merit, but also the fitness of candidates to undertake field visits in discharge of their duties as Supervisors Grade-II.

4. In this batch of cases, mainly it is the case of petitioners that they are

appointed as Anganwadi Workers several years back and they have completed 10 years of service, but in view of fixation of outer age limit at 45 years, they are losing the opportunity of being considered for appointment to the post of Supervisor Grade-II. It is their case that the similarly placed Anganwadi Workers, who are appointed initially like them and subsequently selected to the post of Supervisor Grade-II on contract basis, are being allowed to attend the examination without any age restriction, whereas, though they stand on the same footing, respondents, in arbitrary and discriminatory manner, have imposed such age restriction at 45 years as on 01.07.2013. It is stated that as Anganwadi Workers, they have gained experience and since 2006 onwards, there were no recruitments to the post of Supervisor Grade-II, and for the ensuing recruitments, only on the ground that they have crossed the age of 45 years as on 1st July of the recruiting year i.e. 01.07.2013, they are sought to be eliminated even from the zone of consideration. It is also their case that as much as the persons appointed as Supervisors Grade-II on contract basis were also initially appointed as Anganwadi Workers like them, they stand on the same footing for recruitment to the post of Supervisor Grade-II on regular basis, as such, all the erstwhile Anganwadi Workers appointed as Supervisors Grade-II and the petitioners who are being continued as Anganwadi Workers, should be allowed to participate in the selection process without any age restriction.

5. The Commissioner of Women Development and Child Welfare, Hyderabad has filed counter affidavit. In the counter, while denying the various allegations made by the petitioners, it is stated that the Anganwadi Worker is a grass-root level functionary to deliver the services at Anganwadi Centre in each village and the post of Supervisor is of two tier system i.e. Supervisor Grade-I and Grade-II. It is stated that the Government has issued guidelines for selection and appointment of Supervisors, vide G.O.Ms. No. 14, dated 10.05.2000, and the maximum age prescribed for Anganwadi Worker to be eligible for appearing in the examination for recruitment to the post of Supervisor Grade-II is 45 years as on 1st July of recruiting year. It is stated that 36 years is the upper age limit for general recruitments in State and Subordinate Services, and keeping in view the requirement of 10 years experience as an Anganwadi Worker to be eligible for appointment to the post of Supervisor Grade-II, the upper age limit is fixed at 45 years. It is stated that the notifications issued prescribing the eligibility criteria with age restriction as 45 years, are in accordance with the guidelines notified by the Government vide G.O.Ms. No. 14, dated 10.05.2000. Counter further states that the post of Supervisor Grade-II requires extensive touring, for which, one should have fitness to tour in the allotted 25 villages on an average and so as to recruit the efficient Supervisory staff who can undertake extensive field visits for implementation of ICDS projects, such age restriction is imposed. While referring to vacancy position, it is stated that 1741 posts of Supervisor Grade-II were notified, out of which, 851 posts arose due to promotion of Supervisors Grade-II to Supervisors Grade-I in the months of October and December 2012 and the remaining 890 posts arose due to the permission accorded by the Government

vide G.O.Ms. No. 183, dated 02.07.2013, for recruitment to the post of Supervisor Grade-II on regular basis by duly converting the contract posts into regular posts. While pleading that such upper age limit of 45 years was there from the beginning and there is no discrimination or any arbitrariness in fixing such age limit, the respondents have prayed for dismissal of the writ petitions.

6. Heard Sri J. Sudheer, Sri S. Lakshma Reddy, Ms. M. Vidyavathi, Sri Prabhakar Bommagani, Sri M. Vidyasagar, Sri Rudresh Deshpande and other learned Advocates appearing for petitioners in this batch of writ petitions and the learned Additional Advocate General, appearing for respondents.

7. The learned counsel appearing for petitioners, in support of their case, have advanced the following contentions:

1. Fixing the age limit as 45 years for Anganwadi Workers for recruitment to the post of Supervisor Grade-II, is arbitrary and illegal. It is submitted that similarly placed Anganwadi Workers were also recruited as Supervisors Grade-II on contract basis without any age restriction, but now, coming to the ensuing recruitment, such upper age restriction is imposed at 45 years. As much as the presently working Supervisors Grade-II and the petitioners, all are from one pool, namely, "Anganwadi Worker", respondents have arbitrarily and irrationally fixed the upper age limit so far as the Anganwadi Workers are concerned, in contrast to the Supervisors working on contract basis without any age restriction.

2. Fixing the age limit at 45 years to Anganwadi Workers while allowing the Supervisors Grade-II working on contract basis without any age restrictions, is discrimination within the class. It is submitted that there is no reasonable classification for the purpose which is sought to be achieved for recruitment to the post of Supervisor Grade-II.

3. As per the guidelines notified by the Government, though it is obligatory on the part of appointing authority to estimate the number of vacancies that will arise in the year of recruitment and to fill up the same in the same recruitment year by conducting necessary tests, no recruitment tests have been conducted to fill up the posts on year-wise basis, but now, all of a sudden, all the posts numbering about 1741 are sought to be filled up, depriving the petitioners at the outset, with the upper age restriction.

4. It is their further case that the post of Supervisor Grade-II is the post granted under ICDS scheme, which is introduced by the Government of India and in the absence of any restriction with regard to upper age limit for recruitment to the post of Supervisor Grade-II under the scheme, the State Government has issued guidelines by fixing the upper age limit at 45 years without any authority of law or jurisdiction, as such, such fixation of age limit is beyond the scope of the scheme introduced by the Government of India.

8. The learned counsel Sri J. Sudheer, in support of his arguments, has placed reliance on the judgments in Kerala Hotel and Restaurant Association and others

Vs. State of Kerala and others, , in B. Manmad Reddy and Others Vs. Chandra Prakash Reddy and Others, in National Council for Teacher Education and Others Vs. Shri Shyam Shiksha Prashikshan Sansthan and Others etc. etc., and in the case of Kallakkurichi Taluk Retired Officials Association, Tamilnadu and others v. State of Tamil Nadu (2013) 2 SCC 772 : 2013 (3) ALT 14, 29 (DN SC) (2013).

9. The learned counsel Sri S. Lakshma Reddy appearing for petitioners in some writ petitions, has relied on the judgments in Indravadan H. Shah Vs. State of Gujarat and Another, in Union of India (UOI) and Others Vs. Syed Gayaz Chisty, Helper, South Central Railway and Another, , in State of Rajasthan Vs. R. Dayal and Others, , in Y.V. Rangaiah and Others Vs. J. Sreenivasa Rao and Others, , in Arjun Singh Rathore and Others Vs. B.N. Chaturvedi and Others, and in an unreported judgment of Punjab and Haryana High Court in LPA No. 1779 of 2012.

10. On the other hand, it is submitted by the learned Additional Advocate General, appearing for respondents, that guidelines were notified for the purpose of recruitment to the post of Supervisor Grade-II as early as in the year 2000 vide G.O.Ms. No. 14, dated 10.05.2000. It is submitted that in the very guidelines, the upper age limit of 45 years was notified for recruitment to the post of Supervisor Grade-II. It is submitted that whenever there was a need, vacancies were filled up, and accordingly in the year 2006, posts of Supervisors were filled up on contract basis and all the Anganwadi Workers, without any age restriction, were allowed to appear and it is submitted that most of the petitioners herein have appeared for the written test conducted to select the candidates for the post of Supervisor Grade-II, but they could not come up for selection having regard to the marks secured by them. Those who were recruited on contract basis in the year 2006 and are already discharging the duties as Supervisors Grade-II, constitute a different and distinct group for the purpose of selection to the post of Supervisor Grade-II. It is submitted that the petitioners who could not come up for selection on contract basis and who are being continued as Anganwadi Workers, cannot claim similarity in any respect, so as to plead discrimination by comparing their claims with that of supervisors working on contract basis. It is further submitted that the guidelines are framed keeping in mind the average age as 25 years for recruitment as Anganwadi Workers and with 10 years of experience, they will be aged about 35 years and further benefit of 10 years of age relaxation is given by fixing the age at 45 years. It is stated that to implement the ICDS project, as the respondents need efficient supervisory staff, for which, not only merit and experience, but fitness is required, such age restriction is imposed for Anganwadi Workers. It is submitted that as per the guidelines framed in G.O.Ms. No. 14, dated 10.05.2000, there were initially three categories in the feeder cadre for the purpose of recruitment to the post of Supervisor Grade-II, but subsequently, amendments were made vide G.O.Ms. No. 12, dated 06.06.2013 and G.O.Ms. No. 14, dated 27.06.2013. It is submitted that in terms of said amendment, a 4th feeder category is introduced as category (d) for category 2, without any age restriction. It is submitted that as much as said fixation of maximum age at 45 years itself is by

giving relaxation having regard to their experience as Anganwadi Workers in contrast to the upper age limit fixed in the A.P. State and Subordinate Service Rules, which is at 36 years, there is no basis for the allegation of petitioners that such fixation is either arbitrary or discriminatory. It is further submitted that the petitioners who did not come up for selection in the year 2006 when recruitments were made to the post of Supervisor Grade-II on contract basis, cannot claim discrimination by comparing themselves with that of the selected Supervisors, with regard to upper age limit.

11. The learned counsel for respondents has relied on the judgments of Hon'ble Supreme Court in the case of Union of India (UOI) and Another Vs. Arulmozhi Iniarasu and Others, , in Union of India and others v. Shivbachan Rai : (2001) 9 SCC 356, in State of Karnataka and Another Vs. B. Suvarna Malini and Another etc., in State of Haryana and Others Vs. Charanjit Singh and Others, etc. etc., and in the case of State of M.P. Vs. Rakesh Kohli and Another,

12. Having heard learned counsel for the parties, we have also perused the order passed by the Tribunal and also other material placed on record by both sides.

13. From the preamble portion of the guidelines issued by the Government vide G.O.Ms. No. 14, dated 10.05.2000, it is clear that the ICDS scheme is introduced in the State of Andhra Pradesh during the year 1975. As per the decision of the empowered committee, it was decided to select and appoint Supervisors Grade-I and Grade-II. Pending finalisation of the Andhra Pradesh Women Development and Child Welfare Subordinate Service Rules, the Government has issued guidelines by way of executive instructions in G.O.Ms. No. 14, dated 10.05.2000, prescribing the method of appointment, qualifications required etc., for the posts of Supervisor Grade-I and Grade-II. As per the said guidelines, Anganwadi Workers possessing the qualification of SSC and not completed 45 years of age as on 1st July of the recruiting year with 10 years of experience as Anganwadi Worker as on the said date, are eligible to participate in the selection process for the post of Supervisor. The Supervisors working on contract basis were not initially shown as feeder category as per the guidelines, but subsequently, vide G.O.Ms. No. 12, dated 06.06.2013, and G.O.Ms. No. 14, dated 27.06.2013, the original guidelines are amended by including existing contract Supervisors Grade-II as feeder category No. 4 i.e. category (d). From a perusal of the material, it is clear that there is no fixation of cadre strength for any category of posts under the ICDS scheme, but as per the broad guidelines notified by the Government, and having regard to the budgetary allocation, the required number of posts are being filled in the categories of Supervisor Grade-I and Grade-II. Certain posts under Supervisor Grade-I are being filled up through Andhra Pradesh Public Service Commission and there is also channel of promotion from Supervisor Grade-II to Supervisor Grade-I. So far as Supervisor Grade-II is concerned, the selection committees are constituted, headed by the District Collectors for the purpose of recruitment. In the year 2006, Supervisors were appointed on contract basis from Anganwadi Workers, Mobile Creche Teachers and

Coordinators/Instructors. It is not in dispute that such selections were made by conducting a written test and it is stated that most of the applicants herein have appeared for such test. Having regard to the number of Supervisor posts notified then, only some of the Anganwadi Workers have come up for selection on the basis of merit secured by them in the written test and they were appointed as such and are being continued as Supervisors since last about 6 years. It is true that at that point of time, there was no age restriction for Anganwadi Workers to gain entry as Supervisors on contract basis. At this stage, it is to be noticed that all the Anganwadi Workers who are the petitioners herein, had an opportunity to appear for such test conducted during the year 2006 for selection to the post of Supervisor on contract basis. Most of the petitioners herein have availed such opportunity, but could not come up for selection in the recruitment process. The persons who were already recruited as Supervisors are functioning as such from the year of their recruitment. The Anganwadi Workers who could come up for selection as Supervisors by virtue of their merit in 2006, constitute a different class for the reason that they emerged as meritorious than the petitioners and also because of the experience they gained in discharge of their job as Supervisor for the last about 6 years. The Anganwadi Worker is a grass-root level functionary who works in Anganwadi Centre in the village, but so far as Supervisors are concerned, they are entrusted with the job of extensive field visits. By virtue of their selection as such in the year 2006, they gained sufficient experience in discharging supervisory duties. The persons who could not come up for selection in 2006, cannot compare themselves with the other group of persons who could come up for selection and appointment in 2006 and who are already discharging the duties entrusted to the post of Supervisor. So far as Anganwadi Workers are concerned, as per the eligibility conditions prescribed in G.O.Ms. No. 21, dated 24.08.2007, the age limit is notified between 21 and 35 years as on 1st July of the recruiting year. As stated by the respondents, the average appointment age of Anganwadi Worker is taken at 25, and with the experience of 10 years, their age comes to 35 years, and by giving further concession of 10 more years, the upper age limit is notified in the guidelines at 45 years. For recruitment to the civil posts, as per the A.P. State and Subordinate Service Rules, 1996, framed under proviso to Article 309 of the Constitution of India, the upper age limit is ordinarily at 34 years for open category candidates, but at the same time, having regard to the outer age limit prescribed for recruitment to the post of Anganwadi Worker as 35 years and by further concession of 10 more years, upper age limit is fixed at 45 years for the purpose of recruitment to the post of Supervisor Grade-II. In that view of the matter, it cannot be said that such fixation of upper age limit is either arbitrary or illegal. Such guideline fixing the upper age limit at 45 years, was in the guidelines framed as early as in the year 2000, and at no point of time, such guideline came to be questioned earlier. Merely because such restriction does not suit the petitioners, by comparing themselves with the Supervisors who have already undergone similar process of selection earlier, are trying to plead discrimination. In that view of the matter, we are of the considered opinion that such fixation of

upper age for Anganwadi Workers is neither arbitrary nor discriminatory. For the aforesaid reasons, we reject such contention.

14. With reference to the contention advanced by the learned counsel for petitioners that because of non-filling of vacancies by year-wise recruitment they were deprived of participating in the selection process for recruitment to the post of Supervisors, also cannot be countenanced. It is to be noticed that no material is placed before this Court to show the year-wise vacancy position. It is true that in the guidelines, it is indicated that the appointing authority shall estimate the number of vacancies that will arise in the year of recruitment, obtain the approval of the Commissioner/Director of Women Development and Child Welfare and notify the vacancy position by 1st July of the recruiting year to the Commissioner/Director of Women Development and Child Welfare. But in the absence of placing any material to show the year-wise vacancies, it cannot be said that the respondents have violated such guidelines notified by the Government. Further, it is evident from the counter affidavit that out of the total number of 1741 vacancies which are sought to be filled up, 851 posts arose due to promotion of Supervisors Grade-II to Supervisors Grade-I in the months of October and December 2012 and the remaining 890 posts are permitted to be filled up by the Government vide G.O.Ms. No. 183, dated 02.07.2013. For the aforesaid reasons, it cannot be said that the petitioners are deprived of selection by not conducting recruitment for the year-wise vacancies. For the reasons as indicated in the counter affidavit, it is to be held that all the vacancies arose only in the year 2012-2013, and as such, the plea of petitioners in this regard is also rejected.

15. The contention advanced by the learned counsel for petitioners that the State Government has exceeded the scope of the scheme notified by the Government of India in fixing age restriction, also cannot be accepted. The ICDS scheme is introduced by the Government of India with an avowed object of improving the health, nutrition and needs of young children, pregnant women and nourishing mothers, etc., but such scheme is being implemented by the State Governments, and to achieve the objectives of the scheme, it is always open for the State Government to frame appropriate Rules or issue guidelines. In that process, the posts of Anganwadi Workers, Supervisors Grade-I and Grade-II, Coordinators, Instructors and Mobile Creche Teachers are being filled up and it is always open to the State Government to prescribe the eligibility criteria for making recruitment to the said posts. In the absence of any restrictions in the scheme introduced by the Government of India with regard to upper age limit for various posts, it cannot be said that the State Government has exceeded the scope of the scheme by fixing the outer age limit for Supervisor Grade-II at 45 years.

16. Coming to the judgments relied on by Sri J. Sudheer, learned counsel for petitioners in some writ petitions, in the case of Kerala Hotel and Restaurant Association and others (1 supra), the imposition of taxes on cooked food only in costly or luxury hotels while exempting such items from tax in other hotels was

questioned, then the Hon''ble Supreme Court has held that reasonableness of the classification has to be decided with reference to the realities of life and not in the abstract and that a discernible dissimilarity between those grouped together and those excluded is a pragmatic test, if there be a rational nexus of such classification with the object to be achieved. In Manmad Reddy's case (2 supra), the Hon''ble Supreme Court has placed reliance on an earlier judgment in the case of The State of Jammu and Kashmir Vs. Shri Triloki Nath Khosa and Others, and held, "the classification made on the basis of educational qualifications with a view to achieving administrative efficiency cannot be said to rest on any fortuitous circumstance and one has always to bear in mind the facts and circumstances of the case in order to judge the validity of a classification".

17. In the case of National Council for Teacher Education (3 supra), the Hon''ble Supreme Court has held that Article 14 forbids class legislation but permits reasonable classification provided that it is founded on an intelligible, differentia which distinguishes persons or things that are grouped together from those that are left out of the group and the differentia has a rational nexus to the object sought to be achieved by the legislation in question. Further, in the case of Kallakurichi Taluk Retired Officials Association (4 supra), the Hon''ble Supreme Court has held, "A classification to be valid, must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective. And secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. Legalistically, the test for a valid classification may be summarized as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved.

18. Coming to the judgments relied on by Sri S. Lakshma Reddy, learned counsel appearing for petitioners in some writ petitions, in the case of Indravadan H. Shah (5 supra), while considering the validity of Gujarat Judicial Service Recruitment Rules, the Hon''ble Supreme Court has observed that there is no nexus to the object sought to be achieved by introducing age restriction to the post of Assistant Judge from amongst the members of Gujarat Judicial Service. In the same judgment it was further held that a Judicial officer with the coming of age and experience, becomes more suited and well equipped to perform and discharge higher duties and responsibilities attached to the higher posts of Assistant Judge and that of District Judge. In Syed Gayaz Chisty's case (6 supra), the Hon''ble Supreme Court has held that the in-service candidate in the feeder cadre constitute a well defined class, as such, likes should be treated alike, which is in tune with the principle enshrined in Article 14 of the Constitution. But, in the same judgment, it is further held that classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and that differentia must have a rational relation to the object sought to be achieved by the Statute in question. In R. Dayal's case (7 supra), the Hon''ble Supreme Court has held that the eligibility criteria must be decided as per the law prevailing on the date

of vacancy of the particular post. So also the judgment in Y.V. Rangaiah's case (8 supra), wherein, the Hon''ble Supreme Court has held that the vacancies which occur prior to the amended rules would be governed by old rules and not by new rules. In the case of Arjun Singh Rathore (9 supra), a similar view was taken by the Hon''ble Supreme Court that the vacancies which existed earlier to amendment of rules shall be filled as per the old rules which existed at that point of time. Further, in an unreported judgment of a Division Bench of Punjab and Haryana High Court in LPA No. 1779 of 2012, when a stipulation of upper age limit of 52 years was imposed for consideration to the post of Supervisor in the department of Women & Child Welfare, Punjab by issuing corrigendum, the Division Bench has found that the same is contrary to the Punjab Social Security Development of Women and Children (Group-C) Non-Ministerial Service Rules, 2001.

19. Per contra, coming to the judgments relied on by the learned Additional Advocate General, in Arulmozhi Iniarasu's case (10 supra), the Hon''ble Supreme Court has held that the Court should not place reliance on decisions without discussing as to how fact situation of case before it fits-in with fact situation of decision on which reliance is placed. While considering the scope of age limit and relaxation powers under Service Law, the Supreme Court has held that the engagement of respondents therein as casual labourers even for a considerably long duration would not confer any legal right on them for seeking a mandamus for relaxation of age limit. In Shivbachan Rai's case (11 supra), the Hon''ble Supreme Court has held that prescribing of any age limit for a given post as also deciding the extent to which any relaxation can be given if an age limit is prescribed, are essentially matters of policy. In Suvarna Malini's case (12 supra), the Hon''ble Supreme Court has held,

The concept of equality before the law does not involve the idea of absolute equality among human beings which is a physical impossibility. All that Article 14 guarantees is a similarity of treatment contradistinguished from identical treatment. Equality before law means that among equals the law should be equal and should be equally administered and that the likes should be treated alike. Equality before the law does not mean that things which are different shall be treated as though, they are the same. If of course means denial of any special privilege by reason of birth, creed or the like. The legislature as well as the executive Government, while dealing with diverse problems arising out of an infinite variety of human relations must of necessity have the power of making special laws, to attain any particular object and to achieve that object, it must have the power of selection or classification of persons and things upon which such laws are to operate. Mere differentiation or inequality of treatment does not per se amount to discrimination.

20. In Charanjit Singh's case (13 supra), the Hon''ble Supreme Court has held;

Article 14 permits reasonable classification based on qualities or characteristics of persons recruited and grouped together, as against those who were left out. Of

course, the qualities or characteristics must have a reasonable relation to the object sought to be achieved. In service matters, merit or experience can be a proper basis for classification for the purpose of pay in order to promote efficiency in administration.

It is further held in the said judgment;

The accuracy required and the dexterity that the job may entail may differ from job to job. It cannot be judged by the mere volume of work. There may be qualitative difference as regards reliability and responsibility. Functions may be the same but the responsibilities make a difference. Thus, normally the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere.

21. In the case of Rakesh Kohli (14 supra), the Hon''ble Supreme Court has held that while examining the Constitutional validity of a taxation law, the Court must have regard to several principles. It is further held that the hardship is not relevant in pronouncing on the Constitutional validity of a fiscal statute or economic law.

22. From the principles laid down in the aforesaid judgments relied on by the learned counsel for the parties, it is clear that Article 14 of the Constitution permits reasonable classification based on qualities or characteristics of persons recruited or grouped together, as against those who were left out. At the same time, the qualities and characteristics must have a reasonable relationship with the objective sought to be achieved. Keeping the above basic principle in mind, we are of the view that the Anganwadi Workers who were already subjected to test in the year 2006 while making recruitment to the post of Supervisor on contract basis, constitute a different class and group. In such selections made in the year 2006, recruitment was open for all the Anganwadi Workers and majority of the petitioners herein have appeared for the test, but could not come up for selection. In view of selection of certain Anganwadi Workers as Supervisors in the selection process held in the year 2006 which is akin to that of a regular selection process, they are working as Supervisors for the last about 6 years and earned sufficient experience. In view of the merit basing on which they came up for selection in the year 2006 and the experience they gained for the last about 6 years in supervising the Anganwadi Centres, they constitute a different and distinct group for the purpose of making distinction for imposition of age restriction. The petitioners, who continued to work in village level centres, who did not come up for selection in the year 2006 and who have got no experience of supervising the Anganwadi Centres, cannot claim equal treatment with that of the other group of persons who were found meritorious in the selections made in 2006 and who are being continued as supervisors as on today. It appears that though a regular selection procedure was conducted in 2006, in view of the recent pronouncement by the Hon''ble Supreme Court, respondents have not taken up any scheme for regularisation, but by including such Supervisors in the feeder category, they are given concession with regard to age and also

weightage for the experience they gained, which is in conformity with the view taken by the Constitutional Bench of the Hon''ble Supreme Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, . In the said case, considering the scope of absorption and regularization in public employment, while setting aside the directions issued by the High Court for regularization, the Hon''ble Supreme Court has observed that whenever sanctioned vacant posts are notified, respondents therein are entitled to compete by seeking waiver of age restriction and also with some weightage for their engagement in the very same department for a significant period.

23. Coming to the facts of the cases on hand, it is not in dispute that so far as Supervisors working on contract basis are concerned, they are not only selected in the recruitment test conducted in 2006, but also they put-in sufficient number of years of service and gained experience. By applying the principles laid down by the Hon''ble Supreme Court in various judgments as indicated above, we are of the view that permitting the Supervisors without any age restriction, does not offend Article 14 of the Constitution. We are of the considered view that fixing upper age at 45 years for Anganwadi Workers and permitting the contract Supervisors without any such age restriction in the feeder categories for the purpose of recruitment to the post of Supervisor on regular basis, is a reasonable classification, having regard to the object sought to be achieved while recruiting to the post of Supervisors, and no case is made out for grant of directions as prayed for, to delete such restriction in respect of petitioners, so as to allow them to appear for the examination.

24. In some of the writ petitions, the petitioners have also questioned the guidelines notified by the Government vide G.O.Ms. No. 14, dated 10.05.2000. But, to accept the said argument, no other points are raised so as to invalidate the very guidelines notified by the Government, holding the same as either illegal or arbitrary. It is well settled that in the absence of any Legislative enactment or Statutory Rules, it is always open for the State to issue guidelines or instructions in exercise of powers under Article 162 of the Constitution. Thus, no case is made out by the petitioners to interfere with the guidelines framed in G.O.Ms. No. 14, dated 10.05.2000.

25. In the writ petition in W.P. No. 22059 of 2013, the petitioner has questioned the notification mainly on the ground that as per the Rules notified in G.O.Ms. No. 14, dated 10.05.2000, the minimum experience required even for the Coordinators/Instructors is 10 years, but contrary to the same, the impugned notification is issued permitting the candidates with 5 years experience. It is to be noticed here that subsequently, there was an amendment to the guidelines issued in G.O.Ms. No. 14, dated 10.05.2000, vide G.O.Ms. No. 21, dated 13.07.2000, reducing the experience required from 10 years to 5 years for Coordinators and Instructors. The said notification issued is in conformity with the amended guidelines, thus, does not call for any interference.

26. For the aforesaid reasons and also in view of the reasons recorded in the

common order passed by the Tribunal, we do not find any merit in this batch of cases for grant of directions as prayed for, or to interfere with the orders of Tribunal, passed in O.A. No. 5511 of 2013 and batch. All the writ petitions are accordingly dismissed. The interim orders granted in some writ petitions of this batch, shall stand vacated. No order as to costs. Miscellaneous petitions, if any, pending in this batch of writ petitions, shall stand closed.