

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

**MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21858 OF 2024



Between:

1. Malaka Anitha, W/o Malaka Sree Nivasa Reddy, Aged 37 Years, Occ Village Organization Assistant (VOA), Society for Elimination of Rural Poverty (SERP), R/o. D.No. 13-143a, Thummala Mandal, Ananthapur District, Andhra Pradesh.
2. G Vani, Aged 35 Years, Occ Village Organization Assistant (VOA) Society for Elimination of Rural Poverty (SERP), R/o. Tummala Mandal, Ananthapur District, Andhra Pradesh.

...PETITIONER(S)

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravathi.
2. Chief Executive Officer, The Society for Elimination of Rural Development, Department of Rural Development for the State of A.P., 2nd Floor, Dr. NTR Administrative Block, Pandith Nehru RTC Complex, Vijayawada, Krishna District.
3. The Project Director, District Rural Development Agency, Velugu, Putaparthi, Sri Satya Sai District.
4. The Assistant Project Manager, DRDA Velugu, AmadagurCluster, Amadagur Mandal, Sri Satya Sai District.
5. The Cluster Coordinator, DRDA VeluguAmadagur Cluster, Amadagur Mandal Sri Satya Sai District.
6. Gowthami Gramaikya Sahaya Sangam, Represented by its President, MalakavariPalli, Amadaguru, Sri Satya Sai District.

7. Satyasai Gramaikya Sangam, Represented by its President.
Kancharavandlapalli, Amadagur, Sri Satya Sai District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction particularly one in the nature of Writ of Mandamus to declare the action more of respondents more particularly the Respondents 4 and 5 in not allowing the petitioners from discharging their respective duties without issuing any notice illegal, arbitrary and contrary to the Circular No. 64-5/SERP/113/2018 dated 26.11.2018 and violative of provisions of Cooperative Societies Act and violative of Principles of Natural Justice and violative of Article 14,16 and 21 of the Constitution of India and consequently direct the respondents to allow the petitioners herein to discharge their duties in their respective positions as Village Organization Assistant (VOA) under the Respondents no. 6 and 7.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents more particularly Respondents No. 4 and 5 to allow the petitioners to discharge their respective duties in the positions as Village Organization Assistants (VOA) under Respondents 6 and 7, pending disposal of the writ petition.

Counsel for the Petitioners: M/s. AYESHA AZMA S

Counsel for the Respondent No.1: GP FOR SERVICES IV

Counsel for the Respondent Nos. 2 to 7: -----

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
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[3331]

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21858/2024

Between:

Malaka Anitha and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. AYESHA AZMA S

Counsel for the Respondent(S):

1. GP FOR SERVICES IV

The Court made the following:

This writ petition is filed complaining about interference by respondent Nos.4 and 5 in not allowing the petitioners to discharge their duty as Sangamitra (Village Organization Assistants), without assigning any reasons.

2. Heard learned counsel on either side.

3. Learned counsel for the petitioners submits that petitioner No.1 has been elected/nominated as Sangamitra (Village Organization Assistant) in Gowthami Gramaikya Sahaya Sangam, Malakavari Palli, Amadaguru, Sri Satya Sai District on 08.09.2011. Petitioner No.2 has been elected/nominated as Sangamitra (Village Organization Assistant) Satya Sai Gramaikya Sangam, Kancharavandlapalli, Amadagur, Sri Satya Sai District on 07.09.2019.

Learned counsel for the petitioners would submit that as on today petitioners are continuing as Sangamitra (Village Organization Assistants) and in support of the same bank statements were filed for the deposit of salaries to the petitioners. The respondent Nos.4 and 5, without assigning any reasons, are not allowing the petitioners to discharge their duties as VOAs. Hence the writ petition.

4. Sri R.S.Manidhar Pingali, learned Assistant Government Pleader for services, on oral instructions of Project Director, DRDA Guntur District, would submit that the officials are not interfering with the activities of the petitioner as Sangamitra/VOA. He also produced a copy of Circular No.64-7/SERP/IB/2019 dated 29.08.2019 issued by Principal Secretary, SERP.

5. The Societies where the petitioner has been discharging duties, as VOA, is registered under Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995. Individual or Cooperative societies intending to form into Cooperative Societies under the aforementioned Act, shall frame bye-laws conforming to the principles of cooperation. The membership of the society shall be voluntary and without restrictions of any social, political, rational or religious discrimination to all persons who can make use of its services and are willing to accept the responsibilities of membership. Members of primary Cooperative Societies shall enjoy equal rights of voting and participation in decisions affecting their Cooperative Societies. Section 4 of the Act speaks about the registration of the society and Section 5 prescribes that the society is a body corporate.

6. The members of the society, normally, elect one among them as Village Organization Assistant, by a resolution and pay salary to the said individual. The Society for Elimination of Rural Poverty, Department of Rural Development, State of Andhra Pradesh, represented by its CEO, is constituted by the State to implement the schemes for elimination of rural poverty as proposed by the Union of India as well as the Government of

Andhra Pradesh, by issuing circulars from time to time, regarding appointment of Village Organization Assistants, qualifications, procedure for selection, termination, method of payment, duties and obligations. One of those circulars is circular No.64-/SERP/IB/2018 dated 26.11.2018. Thereafter another Circular No.64-7/SERP/IB/2019 dated 29.08.2019 was issued by Principal Secretary, SERP.

7. A perusal of the 2019 circular would manifest that to alleviate poverty and for women empowerment, 27,841 societies were formed in terms of the provisions of A.P.Mutually Aided Co-operative Societies Act, 1995; that those societies are autonomous bodies; that selection, removal and duties of VOA etc., are within the purview of the members of the Society; that the duties and responsibilities of the Staff of the Village Organization are described in Section 25 of the Act; that the staff members of the Village Organization are answerable and accountable to the Village Organization and their appointment, removal and performance of duties, are as per the bye-laws, rules and regulations framed by the Executive Committee of the Village Organization.

8. The said circular further prescribes that the staff of the CBO/Project should work for development and to achieve financial stability of the Village Organization and they should cooperate and facilitate the development of the Village Organization **and shall not influence or interfere with the decisions of the society.** (emphasis is mine)

9. The circular further prescribes that the staff members of the Village Organization should not indulge in the decision-making process and that the appointments, removal, duties, and responsibilities of Sangamittha/VOA/Animator, are to be done by the Village Organization. As per the note in the circular, dated 29.08.2019, it was clarified that no other circulars be issued at the district level. Circular dated 29.08.2019, will be in force till another circular is issued.

10. Learned Assistant Government Pleader for Services would submit that circular dated 29.08.2019 is in force to date.

11. Thus, the aforementioned circular issued by the Principal Secretary commands no interference of the officials with the society's decision-making process except to facilitate. The instructions of the learned Assistant Government pleader would manifest that the officials are not interfering.

12. Given the facts and circumstances of the case coupled with the aforementioned circular, issued by the Principal Secretary, SERP, and the oral instructions of the learned Assistant Government Pleader this writ petition is disposed of at the admission stage, with the consent of the learned counsel on either side, directing the respondent Nos.4 and 5 not to interfere with the petitioners' discharging duties as Sangamithra / VAO. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

For *Phani*
SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Amaravathi.
2. Chief Executive Officer, The Society for Elimination of Rural Development, Department of Rural Development for the State of A.P., 2nd Floor, Dr. NTR Administrative Block, Pandith Nehru RTC Complex, Vijayawada, Krishna District.
3. The Project Director, District Rural Development Agency, Velugu, Putaparthi, Sri Satya Sai District.
4. The Assistant Project Manager, DRDA Velugu, Amadagur Cluster, Amadagur Mandal, Sri Satya Sai District.
5. The Cluster Coordinator, DRDA Velugu Amadagur Cluster, Amadagur Mandal Sri Satya Sai District.
6. The President, Gowthami Gramaikya Sahaya Sangam, Malakavari Palli, Amadaguru, Sri Satya Sai District.
7. The President, Satyasai Gramaikya Sangam, Kancharavandlapalli, Amadagur, Sri Satya Sai District.
8. One CC to M/s. Ayesha Azma S Advocate [OPUC]
9. Two CCs to GP for Services IV, High Court Of Andhra Pradesh. [OUT]
10. Three CD Copies

HIGH COURT

DATED:30/09/2024

ORDER

WP.No.21858 of 2024



**DISPOSING OF THE W.P. AT THE ADMISSION
STAGE, WITHOUT COSTS**