

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU.**

WP(C) No. 3263/2023

Ritu Devi

.... Petitioner(s)

Through :- Mr. Ankesh Chandel, Advocate.

V/s

UT of J&K and Ors.

....Respondent(s)

Through :- Mr. P.D. Singh, Dy. AG.

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
30.12.2023.

1. By this petition, the petitioner herein is seeking a direction upon the respondents to produce the record of appointment orders issued in favour of private respondent Nos. 6 and 7, whereby they have been engaged as Helper/AYAA in Govt. Middle School, Bindla, besides seeking quashment of Order of engagement issued in favour of respondent Nos. 6 and 7 whereby they have been appointed as AAYAS/ Helper in violation of condition on the advertisement issued vide No.07 of CHIRAG-2023 dated 09.01.2023.

2. It is stated that the respondent No. 2 vide Order dated 09.01.2023 issued notice for the engagement of Helper/AAYAS under EECC for the year 2023. The notice provided that the said selection of Helper/AAYAS shall be restricted to village/ward in respect of rural/urban area where approved school is located.

3. As per the eligibility criteria, the post of helper/AYAA could be filled only by female candidates having domicile of the village in case of rural area and ward in case of urban area and the candidate must be belonging to BPL category.

4. The above said order further provides that the minimum qualification required for Helper/AAYA is 8th class and the age of the candidate must be between 18 to 45 years. It is further stated that the preference shall be given to the candidates belonging to the BPL category in the below mentioned order of priority:-

I Widow

II Divorced

III Orphan

IV Any candidate among the poorest of the poor in the village/ward.

5. Learned counsel for the petitioner states that the petitioner is a widow and had to be given preference as per clause-c of the advertisement Notification No. 07 of CHIRAG-2023 dated 09.01.2023 whereas from the panel of the candidates, it clearly reflects that both respondent Nos. 6 and 7 are married.

6. It is stated that the respondents have violated the terms and conditions of the advertisement notice thereby ignoring the rightful claim of the petitioner, who being a widow had to be given the preference over and above respondent Nos. 6 and 7.

7. Mr. P.D. Singh, learned Dy. AG appearing for the respondents has stated that as on date, only respondent No.6, namely, Anu Devi has been engaged as AAYA/Helper in Govt. Middle School, Bindla in terms of Order No. ZEO/G/3752 dated 14.09.2023.

8. Mr. P.D. Singh, learned Dy. AG has vehemently argued that the petitioner has already filed an appeal in terms of clause-h of advertisement notice before Chief Education Officer on 29.09.2023, which is pending disposal, as such, the instant petition is not maintainable.

9. Be that as it may, the petition is **disposed of** with a direction to the respondent No.4, Chief Education Officer, Udhampur to decide the application/appeal of the petitioner within a period of two weeks from the date of issuance of this Order till the appeal of the petitioner pending before the Chief Education Officer, Udhampur is considered and decided the second post of AAYA/Helper which is reflected in the panel dated 30.09.2020, shall not be filled up.

(Moksha Khajuria Kazmi)
Judge

Jammu:
30.12.2023
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