

Court No. - 8

Case :- WRIT - A No. - 4466 of 2019

Petitioner :- Smt. Madhurmati

Respondent :- State Of U.P.Thru Secy.Mahila Kalyan Evam
Bal Vikas Lko.Andors

Counsel for Petitioner :- Om Prakash Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Om Prakash Yadav, learned counsel for the petitioner, as well as Mr. Prafulla Kumar Yadav, learned Additional Chief Standing Counsel, for the respondents-State Authorities.

2. The petitioner applied for the post of *Anganwadi Karyakarty* for Village Panchayat Sakra Yusufpur, Block Jalalpur, District Ambedkar Nagar. The petitioner obtained 6 marks out of 10 marks. One Sangeeta Devi, who was deserted by her husband, secured 5 marks and one Sarita Devi, who was widowed, secured 3 marks in the selection made by the selection committee.

3. It is stated that as per preference given to Sarita Devi, she was selected for the post of *Anganwadi Karyakarty*. However, before she could be appointed, she got re-married and left the village. It is also stated that Sangeeta Devi, who was deserted by her husband and placed at serial no. 2 in order of preference because of desertion and secured lesser marks than the petitioner, also got re-married and left the village.

4. If the facts are true then the petitioner ought to have been offered appointment on the post of *Anganwadi Karyakartay* pursuant to selection made by the selection committee, result of which is placed on record as Annexure-3.

5. I find the impugned order unsustainable and ***set-aside the same.***

6. Once the selected candidate and second preferential candidate did not join the post, the petitioner should have been offered the appointment. The respondent - Bal Vikas Pariyojana Adhikari, Jalalpur, Ambedkar Nagar is directed to offer appointment to the petitioner on the post of *Anganwadi Karyakartay*, if the first and second preferential candidates,

who were widowed and deserted, did not join the post in question. Let the offer of appointment be issued to the petitioner, if the post in question is vacant, within a period of one month from the date certified copy of this order is served/submitted.

5. ALLOWED.

[D.K. SINGH, J.]

Order Date :- 26.5.2023

MVS/-