

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.21337 of 2003

ORDER :

This writ petition is filed to declare the action of respondents in not permitting the petitioners to join as Supervisors pursuant to the letter dated 20.09.2003 as arbitrary, illegal and consequently direct the respondents to permit petitioners to join as Supervisors.

2. According to petitioners, they were working as Anganwadi workers since more than ten years and the Government of Andhra Pradesh has taken a decision to appoint Supervisors on contract basis and the selection of said post is to be done from amongst the Anganwadi workers, who have put in more than ten years of service. The selection and appointment was entrusted to private placement agency. According to petitioners, applications were invited by respondent No.9 and that petitioners have applied for the said post. Thereafter written test was conducted and based on the performance in the written test, petitioners were selected and they were communicated through letter dated 20.09.2003. When petitioners have approached respondent Nos.4 and 5 to admit them to duty, they have refused without giving any reason and the action of respondents is violative of principles of natural justice and the same has to be declared as illegal and arbitrary.

3. Respondent No.9 filed counter disputing the petition averments and according to counter averments, respondent No.7 received certain complaints on 19.09.2003 and that respondent No.7 issued a memo dated 23.09.2003 asking respondent No.8 to verify genuineness of the recruitment and not to issue posting orders and that the allegations are not true and not tenable under law. It is further contended that there is no violation of the minutes dated 19.08.2003.

4. Respondent No.6 filed separate counter disputing the petition

averments, contending according to minutes dated 19.08.2003, the Regional Deputy Director has to finalize the postings of the selected candidates and the placement agencies have no power to issue posting orders to the selected candidates. It is further contended that certain complaints were received on 19.09.2003 not to give posting orders to the selected candidates and the placement agency has reportedly issued provisional appointment letters to some of the candidates in violation of orders contained in minutes dated 19.08.2003.

5. Heard arguments.

6. Petitioners mainly contended that they were selected and appointment letter dated 20.09.2003 was issued. But, as seen from the letter, it is only a provisional appointment issued by respondent No.9 the selecting agency, which is not final authority to appoint. As per minutes of the Director of Women Development and Child Welfare, postings shall be finalized by 17.09.2003 and the final list shall be displayed in the Office of Project Directors, Regional Deputy Directors and also in the Office of the placement agencies and posting orders have to be issued accordingly. So, this agency, who is entrusted with the selection process can only recommend the names to the appointing authority, but they cannot issue posting orders and basing on such orders, petitioners cannot claim any legal right.

7. This writ petition is filed in the year 2003 and when it has come up for hearing on 19.11.2015, this Court directed advocate for petitioners to ascertain the present status of petitioners. But, today advocate for petitioners represented that in spite of his best efforts he could not get any information from the petitioners and submitted that appropriate orders can be passed. As the letter dated 20.09.2003 does not confer any right on the petitioners as it is not issued by the appointing authority, the contention of petitioners that the action of respondents in not allowing the petitioners to join as Supervisors as illegal and arbitrary cannot be accepted.

8. For these reasons, this writ petition is dismissed as devoid of

merits.

9. Miscellaneous Petitions, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

3rd December 2015

mar