

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NOs.39313 OF 2015 AND 6182 OF 2016

COMMON ORDER:

These two writ petitions are disposed of by way of this common order.

2. W.P.No.39313 of 2015 is filed by a candidate, who appeared for interview for the post of Anganwadi Worker in the Anganwadi Centre in Gonu Narasayapalem village. The post was reserved for S.C. candidate. The petitioner, 6th respondent and another person applied to the said post and attended for the interview before the Revenue Divisional Officer, Nellore. But, the order of appointment was issued in favour of the 6th respondent, who was having less than 21 years of age. Challenging the same, the above writ petition is filed and this Court admitted the writ petition on 03-12-2015 and issued notice.

3. After receiving notice, the 5th respondent, after obtaining the orders from the District Collector, S.P.S.R. Nellore District, issued proceedings, dated 11-02-2016 terminating the services of the 6th respondent in W.P.No.39313 of 2015 on the ground that she did not possess the requisite age. Challenging the order of termination, the 6th respondent in W.P.No.39313 of 2015 filed W.P.No.6182 of 2016.

4. There is no dispute that the notification was issued for filling up of the post of Anganwadi Workers in Anganwadi Centre in Gonu Narasayapalem village, S.P.S.R. Nellore District. The appointment of Anganwadi Worker is regulated by G.O.Ms.No.21, Women Development, Child Welfare & Disabled Welfare (ICDS) Department, dated 24-08-2007 and G.O.Ms.No.38, Women Development, Child Welfare & Disabled Welfare (ICDS) Department dated 03-11-2008. The petitioner in W.P.No.39313 of 2015 was born on 04-10-1989, whereas the 6th respondent in the said writ petition was born on 01-07-1996. Thus the petitioner crossed the minimum age of 21 years, whereas the 6th respondent did not complete the minimum age of 21 years. In those circumstances, the appointment of the 6th respondent was challenged by the petitioner in W.P.No.39313 of 2015.

5. Learned counsel appearing for the petitioner in W.P.No.6182

of 2016 relies on G.O.Ms.No.38, dated 3-11-2008, which provides for relaxation of minimum age of 21 years to 18 years. The argument of the learned counsel for the petitioner is based on mis-conception. Such relaxation was provided only when a candidate who has completed 21 years of age was not available. Admittedly, in the instant case, the petitioner in W.P.No.39313 of 2015 completed 21 years of age, whereas the petitioner in W.P.No.6182 of 2016 did not complete the minimum age of 21 years. Both belong to S.C. category. In such circumstances, when a candidate with 21 years of age is available, such relaxation cannot be exercised and the person who has not completed 21 years of age should not have been appointed. When the authorities, 5th respondent took into consideration the mistake committed, issued order of termination of the appointment of the 6th respondent, it cannot be held that the order of the 5th respondent suffers from illegality.

6. Accordingly, the W.P.No.39313 of 2015 is allowed and W.P.No.6182 of 2016 is dismissed. In view of allowing of W.P.No.39313 of 2015, the 5th respondent shall pass appropriate orders in accordance with law. No order as to costs. Miscellaneous petitions, if any pending in these writ petitions shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 07-06-2016

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