

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28285 OF 2007

ORDER :

The Writ Petition is filed questioning the selection of the 4th respondent as *Anganwadi* worker of *Doddachenu Vaddepalli*, H/o *Settipalli* of *Sambepalli* Mandal, *Kadapa* District in preference to the petitioner.

The case of the petitioner is that pursuant to the notification issued calling for the applications for selection and appointment of *Anganwadi* worker for the above-said village, the petitioner as well as the 4th respondent, who hail from the same village, made applications. Though the petitioner is qualified in all respects, she was not selected, but however, the 4th respondent, notwithstanding the fact that she is under-aged as on the date of the application, was given appointment as such. Hence, the petitioner seeks a *mandamus* to set aside the said appointment made in favour of the 4th respondent and direct Respondents 1 to 3 to appoint her in place of the 4th respondent.

The 3rd respondent Child Development Project Officer, who is the appointing authority, has filed a counter-affidavit, wherein it has been categorically admitted that as on the date of appointment of the 4th respondent, she was under-aged. It has further been stated that the selection was made by the Selection Committee. The claim of the petitioner that she should be given preference for possessing E.C.E. qualification was denied as the qualifications prescribed in the notification do not provide therefor.

Heard learned counsel for the petitioner.

Learned counsel for the 4th respondent *Sri K.R. Sasidharan Nair* submits that the efforts made by him to contact his client have turned futile, hence, he reports 'no instructions'.

Having considered the above fact scenario, in the light of the material available on record, particularly the averment in the counter-affidavit to the effect that the 4th respondent was under-aged as on the date of her appointment, this Court is of the opinion that the appointment of the 4th respondent is irregular and hence, the same is liable to be set aside. However, keeping in view the fact that the 4th respondent has been appointed in 2007 and as on date, she would be of the eligible age, at the first instance, the official respondents shall make every endeavour to give appointment to the petitioner as *Anganwadi* worker within the district at some other village, in the immediate vacancy. If there is no vacancy for accommodating the petitioner, she shall be recruited in the place of the 4th respondent, after revoking her appointment, duly following the principles of natural justice. This entire exercise shall be completed within three months from the date of receipt of a copy of this order.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

08th November 2016

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