

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.24779 of 2012

ORDER:

The petitioner was appointed as Anganwadi Helper on 14.02.1994 at Yerrampeta Anganwadi Centre, Integrated Child Development Service, Koyyalagudem Mandal, West Godavari District. The 5th respondent issued a notification inviting the applications from the eligible candidates to fill-up the posts of Anganwadi Workers & Anganwadi Helpers vide Notification dated 13.08.2010. The petitioner applied to the said post along with five other candidates. An oral interview was conducted on 25.05.2011. When the 6th respondent was selected by proceedings dated 26.08.2011, the petitioner made a complaint stating that the 6th respondent was working as Sarpanch and hence ineligible to be appointed as Anganwadi Worker. When the 6th respondent was not allowed to join duty, she filed WP No.655 of 2012 challenging the action of the 5th respondent. In the said writ petition, the petitioner herein got impleaded as one of the respondents. Ultimately, the said writ petition was disposed on 19.03.2012, with the following observation:

“...Considering all these facts, it is evident that on the date of appointment, the petitioner was not holding any post so as to attract any disqualification. It is not clear as to whether there exists any disqualification for applying for the post of Anganwadi worker. However, the fact remains that till today no person is working as Anganwadi worker as the petitioner's appointment order is not given effect to and she is not allowed to join duty. Since the matter is still pending consideration of the respondents so as to permit the petitioner to join duty as per the appointment order dated 26.08.2011, it is just and appropriate to direct the respondents 1 to 3 to take appropriate decision in the matter with regard to the disqualification, if any, incurred by the petitioner as stated above and pass appropriate orders within four weeks from the date of receipt of a copy of this order.”

2. After disposal of the aforesaid writ petition, an order of

appointment was issued on 25.06.2012 in favour of the 6th respondent, without considering the directions of this court, more particularly, with regard to her eligibility to be appointed as Anganwadi Worker, while she was holding the post of Sarpanch. The said order dated 25.06.2012 is challenged in the present writ petition and this court by order dated 13.08.2012 suspended the said order. Seeking vacation of the said order, the 6th respondent filed WV MP No.433 of 2015.

3. A perusal of the order of this court as afore stated and the impugned order dated 25.06.2012 clearly shows that in the impugned order, the direction of this court was not considered by the competent authority and an order of appointment was simply issued in favour of the 6th respondent. Though the learned counsel for the petitioner as well as the 6th respondent submitted various contentions, but this court is not inclined to consider the said contentions. In the circumstances, the impugned order dated 25.06.2012 is set aside and the matter is remanded to the 5th respondent for reconsideration of the entire case in the light of the observations made by this court in WP No.655 of 2012 and pass appropriate orders in accordance with law. Before passing such order, the 5th respondent shall issue notice to the petitioner and also to the 6th respondent. The entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

4. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

A.
Date: 18.08.2016
BSS

RAMALINGESWARA RAO, J

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