

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.7258 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Women and Child Welfare appearing for respondents.

2. The respondent had issued a notification in Telugu daily newspaper for the post of Anganwadi Worker in A.Mallavaram village on 09-11-2014 inviting applications from eligible candidates. The said post was reserved for B.C-A category. The last date for submission of applications was 17-11-2014.

3. Only the petitioner had applied for the said post and she was interviewed on 11-12-2014. Subsequently, a Member of the Legislative Council of A.Mallavaram, Sarpanch and villagers of A.Mallavaram village complained that there were many other eligible candidates, who lost the chance of applying for the said post because of difficulty in getting residential and caste certificates through E-Seva facility; and that since the said facility was not available in Routhulapudi Mandal, A.Mallavaram Village which is a very interior place. They therefore requested the 4th respondent to stop recruitment process on the ground that they came to know about the recruitment information late, that the said village has no proper transportation and communication and access to E-Seva center and prayed for

cancellation of recruitment process and for conduct of fresh interviews for the said post.

4. Accepting these pleas, the respondents appear to have decided to issue a fresh notification to fill up the said post though petitioner was selected pursuant to the interview held on 11-12-2014.

5. Alleging that respondents had not given appointment letter to her and they have appointed other persons who were interviewed on 11-12-2014, petitioner filed this Writ Petition stating that there were irregularities in the selection process and therefore there was no justification in issuing fresh notification.

6. Learned counsel for petitioner reiterated the said submissions and contended that the petitioner should have been issued an appointment order as she was the **only** candidate who had applied for the said post in B.C-A category **and** denial of job to the petitioner is arbitrary and unjust. Learned counsel for petitioner further contended that if the other candidates did not have adequate time to make applications, the petitioner cannot be penalized by being made to undergo the fresh process of selection. Alternatively, it is also contended that the petitioner should at least be given preference.

7. In the counter-affidavit filed by respondents, the respondents justified the decision taken by them to initiate a fresh process of selection on the ground that other eligible candidates in B.C-A category could not apply for the post of Anganwadi Worker on

account its remote location and lack of access to E-Seva centers and applications for issuance of caste certificate have to be processed only through such centers.

8. Having regard to the fact that the advertisement for filling up the said post in A.Mallavaram village was issued on 09-11-2014 fixing 17-11-2014 as the last date for submission of applications with supporting documents, it cannot be disputed that the time was too short to enable the eligible candidates to obtain appropriate certificates and submit them along with application forms, particularly since there was no E-Seva facility available in the said village, which is admittedly in a remote corner of East Godavari District without proper transport facility. Therefore, I do not find any illegality or arbitrariness in the decision taken by respondents in proposing to take a fresh selection process to fill up the said post.

9. It is true that the petitioner would have to compete with the other candidates in the fresh process of selection, but this is an inevitable consequence of the situation. It cannot be said that the petitioner had any preferential right for appointment to the said post nor can she be said to have suffered any gross injustice by the decision of respondents to conduct a fresh selection.

10. I therefore do not find any merit in the Writ Petition and it is accordingly dismissed. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-11-2016
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