

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.1491 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of respondents 2 to 4 in not considering the petitioner's representation dated 03.11.2015 and selecting the 5th respondent as Anganwadi Worker for Anganwadi Centre, Mahaboob Nagar-II, Badvel Town, YSR Kadapa District despite she being a non local candidate, contrary to the notification dated 06.10.2015 issued by the 3rd respondent for recruitment of Anganwadi Helpers/ Mini Anganwadi Workers and Anganwadi Workers as illegal, irregular, irrational and offends articles 14 and 21 of Constitution of India and consequently suspend the appointment orders of the 5th respondent and set aside the same, in respect of Anganwadi Worker recruitment for Mahaboob Nagar-II, Gopavaram Mandal, Badvel Town, YSR Kadapa District.”

Heard Sri Solomon Raju Manchala, learned counsel for the petitioner, learned Government Pleader for Women and Child Welfare for respondents 1 to 4 and Sri P. Rajasekhar Rao, learned counsel for respondent No.5, apart from perusing the material available before this Court.

On 14-06-2015, the 3rd respondent – Project Director, District Women and Child Development Agency, YSR Kadapa District issued a notification, notifying certain vacancies of Anganwadi Helpers/Mini Anganwadi Workers in YSR Kadapa District including a vacancy of Anganwadi Worker in Anganwadi Center of Mahaboob Nagar-II, Gopavaram Mandal, Badvel Town,

YSR Kadapa District.

In response to the said notification, among other candidates, the petitioner and the 5th respondent herein also applied for the said vacancy of Anganwadi Worker. Subsequently, the respondent authorities cancelled the said notification and issued another notification on 06-10-2015. Responding to the said notification, the petitioner and the 5th respondent herein also applied for the Anganwadi Worker post once again. Pursuant to the selection process undertaken, the 5th respondent has been appointed as Anganwadi Worker in the subject center on 30-11-2015. The said selection of 5th respondent is under challenge in the present writ petition.

Counter-affidavits have been filed by both the official as well as the un-official respondents, denying the averments made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

According to learned counsel for the petitioner, the action of the respondents in appointing respondent No.5 is highly illegal, arbitrary and unreasonable and violative of Articles 14 and 16 of the Constitution of India. It is further stated that as per the information under Right to Information Act, obtained from the respondent authorities, the application of respondent No.5, submitted in response to the 1st notification, dated 14-06-2015 was rejected by the respondent authorities on 03-07-2015 on the ground that she is a non-local candidate. It is also submitted by

learned counsel that the information obtained by the petitioner under the provisions of Right to Information Act from the office of the Child Development Project Officer – 4th respondent herein clearly shows that the 5th respondent is a non-local candidate and according to the notification no non-local candidate can be appointed.

On the contrary, it is submitted by learned Government Pleader for respondents 1 to 4 as well as learned counsel for the 5th respondent that there is absolutely no illegality nor there exists any procedural infirmity in the impugned action, as such, the writ petition is not maintainable under Article 226 of the Constitution of India and the impugned action is not amenable for any judicial review. It is further submitted by learned counsel for the 5th respondent that the 5th respondent is a local candidate and only after thorough verification and satisfaction, the official respondents appointed the 5th respondent as Anganwadi Worker in the subject station.

The information available before this Court manifestly discloses that prior to selecting and appointing the 5th respondent herein as Anganwadi Worker, the petitioner herein, on 03-11-2015 and 06-11-2015 submitted representations to the Revenue Divisional Officer who is also member of the committee and also the District Collector, YSR Kadapa District respectively requesting enquiry into the matter.

It is evident from the material made available by the petitioner that the application of the 5th respondent was earlier

rejected on the ground that she is non-local candidate.

In view of the same, there is justification for the petitioner herein to ask for enquiry into the matter. It is also an admitted reality that the petitioner herein submitted representations on 03-11-2015 and 06-11-2015 to the Revenue Divisional Officer and the District Collector respectively for redressal of her grievance and same have not been considered by the authorities.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing the 2nd respondent – District Collector, YSR Kadapa District to enquire into the matter with regard to the appointment of Anganwadi Worker, Mahaboob Nagar-II, Gopavaram Mandal, Badvel Town, YSR Kadapa District in the light of the representation, dated 06-11-2015 submitted by the petitioner and pass appropriate orders after giving notice and opportunity of being heard to all the stakeholders within a period of three (3) months from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

March 21, 2016

Pn

-

-

-

-

-

WRIT PETITION No.

 Pn