

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT APPEAL No.616 of 2017

Date:07.8.2017

Between:

j.Dhanalakshmi,
W/o J.Surendra

..... Appellant

And:

The State of A.P., retpd by its
Principal Secretary, Women Development
And Child Welfare Department,
Hyderabad and eight others.

.....Respondents

Counsel for the appellant: Mr. P.Srinivasa Rao

Counsel for respondent Nos.1 to 5:GP for Women & Child Welfare (AP)

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Appeal is directed against order, dated 14.12.2015, in Writ Petition No.36073 of 2015.

Respondent Nos.6 to 9 filed the afore-mentioned Writ Petition with the plea that though they are entitled to be promoted as Anganwadi Workers, from their present position as Anganwadi Helpers, of their respective Villages, the official respondents have ignored their claims and issued the notification, dated 12.9.2015, calling for applications from outsiders for appointment as Anganwadi Workers. The learned single Judge has allowed the said Writ Petition following the common order, dated 16.11.2015, in Writ Petition No.31374 of 2015 and batch, wherein it was held that Anganwadi Helpers of the Villages concerned are eligible to be considered for appointment/promotion as Anganwadi Workers in their respective villages, irrespective of the Centres in which they are working. The learned single Judge while setting aside the notification impugned in the said Writ Petition, has directed the official respondents to consider the cases of respondent Nos.7 to 9 for appointment/promotion as Anganwadi Workers in their respective Villages.

The appellant has pleaded that in pursuance of the notification, dated 12.9.2015, she has made an application for appointment as Anganwadi Worker for Pedda Gummadapuram Village and that in pursuance of the call letter, dated 23.9.2015, she has attended the interview on 29.9.2015. Her grievance is that she was not impleaded as a respondent in Writ Petition No.36073 of 2015 and behind her back, the notification dated 12.9.2015, in pursuance of which her case was considered for the post of Anganwadi Worker, itself was set aside by the learned single Judge by the impugned order.

Mr. P.Srinivas Rao, the learned counsel for the appellant, submitted that as the appellant was not impleaded in the said Writ Petition and was not given an opportunity of being heard, the impugned order of the learned single Judge is liable to be set aside. We are afraid, we cannot accept this submission of the learned counsel for the appellant.

The law is well settled that a selected candidate does not have any indefeasible right for appointment, and unless an appointment order is issued, no legal right inheres in a selected candidate.

Learned Government Pleader has not disputed the fact that in Writ Petition No.31374 of 2015 and batch, this Court has held that Anganwadi Helpers are entitled to be considered for being appointed/promoted as Anganwadi Workers in their respective villages. In view of this position in law, as declared by this Court in Writ Petition No.31374 of 2015 and batch, the learned single Judge has justifiably set aside the notification impugned therein, which was issued without considering the claims of the existing Anganwadi Helpers for promotion as Anganwadi Workers.

On the above analysis, we do not find any reason to interfere with the impugned order of the learned single Judge. However, it is made clear that if on consideration, the claim of respondent No.7, who is working as Anganwadi Helper, is rejected, the process initiated in pursuance of the notification, dated 12.9.2015, to the extent of Pedda Gummadapuram Village shall be resumed and the claim of the appellant along with other applicants, if any, for the post of Anganwadi Worker of Pedda Gummadapuram Village shall be considered. Respondent No.3 shall complete the process of consideration of claim of respondent No.7 within one month from the date of receipt of a copy of this order and if she finds respondent No.7 not suitable,

she must resume the process of selection of Anganwadi Workers for Pedda Gummadapuram Village in pursuance of the notification, dated 12.9.2015.

Subject to the above observations and directions, the Writ Appeal is disposed of.

As a sequel to disposal of the Writ Appeal, WAMP.No.1246 of 2017 filed by the appellant for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

07th August 2017

DR

