

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18405 OF 2007

ORDER

This writ petition is filed seeking for the following relief:

“...to issue a writ, order, or direction more in the nature of Mandamus declaring the action of the respondents in selecting and appointing the 5th respondent as Anganwadi Health Worker/Teacher of Chammachinta Village, Nethavaram Mandal, Visakhapatnam District as arbitrary, illegal and violative of Articles 14,16 and 21 of the Constitution of India, and consequentially direct the respondents to consider the case of the petitioner for appointment as Anganwadi Health Worker/Teacher based on here merit with all consequential benefits and to pass such other order or orders as this Hon'ble may deem fit and proper I the circumstances of the case.”

Heard Sri P.V.Ramana, learned counsel appearing for the petitioner, learned Government Pleader for Women and Child Welfare appearing for respondents 1 and 3 and learned Government Pleader for Revenue appearing for respondents 2 and 4.

It is the case of the petitioner that she passed 10th Class in the year 1998 and she belongs to ST Community. The respondents orally asked the unemployed youth of Chammachinta Village to make applications for appointment to the post of Anganwadi Health Workers/Teachers.

Accordingly, she submitted application along with others and they were called for interview.

The grievance of the petitioner is that though she is a meritorious candidate and secured highest marks in 10th Class than the 5th respondent, the 5th respondent was selected by the selection committee.

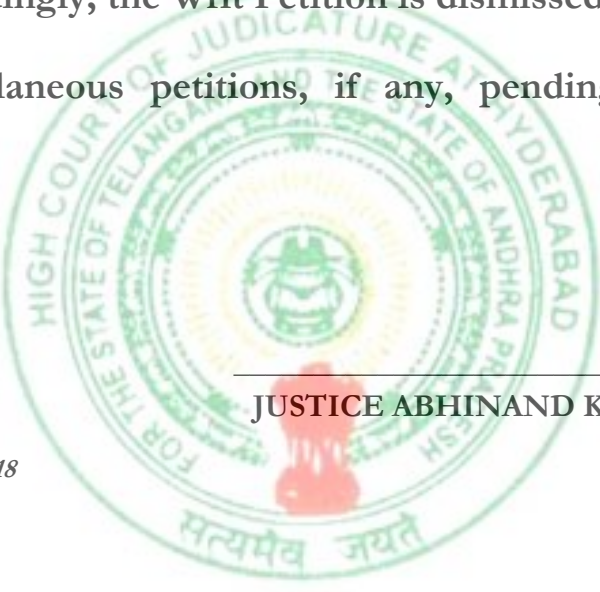
Learned Government Pleader appearing for the respondents contends that the selection of Anganwadi Health Worker is not based on the marks obtained in SSC; that qualification of SSC is only eligibility for the Anganwadi Health Worker; that selection was done by the duly constituted Selection Committee; that each member of the Selection Committee had awarded more marks to the 5th respondent than the petitioner; that based on the recommendations of the Selection Committee, the 5th respondent was appointed as Anganwadi Health Worker and moreover, the petitioner did not come up within the zone of selection as she was awarded lesser marks by the Selection Committee and that there are no merits in the writ petition and hence, the writ petition is liable to be dismissed.

Having regard to the said submissions, this Court is of the considered view that the contention of the petitioner that she should be appointed as Anganwadi Health

Worker based on the marks obtained by her in SSC than the 5th respondent, cannot be accepted. Learned Government Pleader also produced before this Court the selected candidates list, which shows that the 5th respondent had secured highest marks than the petitioner. Therefore, no illegality has been committed by the respondents in appointing the 5th respondent as Anganwadi Worker. There are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

28th September, 2018
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