

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4315 OF 2007

ORDER

This writ petition is filed seeking the following relief:

“to issue an order writ or direction more particularly in the nature of writ of mandamus declaring the action of respondents 1 and 2 in selecting or appointing the 3rd respondent as Anganwadi worker for Nallayanapalli Center I.C.D.S Project Madakasira Area, Penukonda Division, Anantapur District as illegal, arbitrary, unjust and violative of Articles 14 and 15 of the Constitution of India and guidelines relating to appointment of Anganwadi Workers and consequently direct respondents 1 and 2 to appoint the petitioner in the said post duly setting aside the appointment or selection of the 3rd respondent as otherwise the petitioner will suffer irreparable loss and injury and pass such order or orders that the Hon'ble Court may deem fit and proper in the interest of justice .”

Heard Sri P.Narahari Babu, learned counsel appearing for the petitioner and learned Government Pleader for Women and Child Welfare appearing respondents 1 and 2.

Learned counsel appearing for the petitioner submits that as per the notifications dated 16.2.2006 & 17.2.2006, the minimum age required for the post of Anganwadi Worker is 21 years; that though the 3rd respondent is under aged, she was selected and appointed as Anganwadi Worker and hence, her appointment is liable to be set aside.

Learned Government Pleader appearing for respondents 1 and 2 contends that as on the date of interview, the 3rd respondent has completed 21 years.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that one must have requisite qualification as on the date of issuance of the notification, but not as on the date of interview. Therefore, the appointment of the 3rd respondent is contrary to the said notifications as she was under aged as on that date. Hence, the appointment of the 3rd respondent is liable to be aside.

Accordingly, the Writ Petition is allowed. The appointment of the 3rd respondent is set aside and respondents 1 and 2 are directed to consider the case of the petitioner, if she is otherwise is eligible and qualified, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th October, 2018

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