

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19695 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings dated 24.7.2007 of the 4th respondent in appointing the 5th respondent as Anganwadi worker, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India; to set aside the same and consequently, to direct the official respondents to appoint the petitioner as Anganwadi worker of Budumuru Centre-III, Laveru Mandal, Srikakulam District.

2. Heard Sri A. Rama Rao, learned Counsel for the petitioner; the learned Government Pleader for Women and Child welfare for the official respondents and Sri S. Satyam Reddy, learned Counsel for the unofficial respondent.

3. It is the case of the petitioner that she is fully eligible and qualified to be appointed as Anganwadi worker and the official respondents issued notification for filling up the post of Anganwadi worker on 14.10.2006. As the petitioner is eligible and qualified, she responded to the notification. But the official respondents selected and appointed the 5th respondent, who is not qualified to hold the post of Anganwadi worker. As per the notification, one must be above 21 years as on 1.10.2006 and

the candidate must be permanent resident of village or daughter-in-law of the village. Further, as per the notification, preference will be given for appointment to the post of Anganwadi worker to the candidates who possessed all the qualifications. The candidate, who passed 10th class and who is a married woman, is eligible, for applying the said post. If 10th class candidates are not available, minimum qualification is 7th class pass.

4. Further, it is the case of the petitioner that the 5th respondent has not passed 10th class and she studied upto 7th class. The respondents have selected the 5th respondent in spite of the fact that the petitioner is fully eligible and qualified, and she passed 10th class and that the 10th class candidates are available.

5. The learned Government Pleader for the official respondents contended that the case of the petitioner was considered, and the selection committee selected the 5th respondent, and that no illegality has been committed by the official respondents.

6. The learned Counsel for the 5th respondent contended that though the 5th respondent studied upto 9th class, as the rules specify 7th class pass as an alternative qualification, no

illegality has been committed by the official respondents in appointing the 5th respondent.

7. This Court has considered the submissions made by the parties and the material on record. The rules specify that the candidates who passed 7th class are also eligible, if there are no 10th class pass candidates. In the instant case, the petitioner passed 10th class. When the petitioner is eligible and qualified, the respondents are not justified in appointing the 5th respondent who passed 9th class. The respondents ought to have considered the case of the petitioner. Therefore, the proceedings dated 24.7.2007 issued by the 4th respondent appointing the 5th respondent as Anganwadi worker, are set aside. The official respondents are directed to consider the case of the petitioner for appointment as Anganwadi Worker of Budumuru Centre-III, Laveru Mandal, Srikakulam District, and pass appropriate orders, within four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is allowed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 8.11.2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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08/11/2018

Nn.