

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.4050 of 2006

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of respondents 1 to 5 committee in selecting the 7th respondent for the post of Anganwadi Worker at Vippalapalem Village, Golugonda Mandal, Visakhapatnam District dated 20.02.2006 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and to consequently set aside the said selection and direct respondents 1 to 5 to appoint the petitioner for the said post.

Heard learned counsel for the petitioner, learned Government Pleader for Women Development and Child Welfare and Sri G.Tuhin Kumar, learned counsel for the 7th respondent.

It has been contended by the petitioner that respondents 1 to 5 have invited applications from the eligible candidates for the post of Anganwadi Worker. Pursuant thereto, the petitioner, 7th respondent and certain others had applied for the said post. Thereafter, respondents 1 to 5, vide proceedings dated 20.02.2016, selected the 7th respondent for the said post. Challenging the said selection of the 7th respondent as Anganwadi Worker, ignoring the claim of the petitioner, and contending that she has secured more marks in S.S.C than the 7th respondent, the petitioner has filed the present writ petition. This Court, while issuing notice before admission, was pleased to pass an order on 02.03.2006 directing that any appointment of the 7th respondent is subject to further orders in the writ petition. It is further contended that respondents 1 to 5, though selected the 7th respondent vide proceedings dated 20.02.2006, have issued appointment orders only on 07.10.2015 i.e nearly after nine

years from the date of selection, during the pendency of this writ petition.

Learned counsel for the petitioner contends that respondents 1 to 5 could not have issued any appointment order after nearly 9 years from the date of filing of this writ petition in favour of the 7th respondent and the said order issued in favour of the 7th respondent is liable to be set aside.

Learned Government Pleader for respondents 1 to 5 contends that the 7th respondent was selected by a duly constituted selection committee. The only requirement for the post of Anganwadi Worker is that one must have passed S.S.C and the number of marks secured in the S.S.C examination would be of no relevance to determine the selection. Learned Government Pleader further contends that there are no merits in the writ petition and it is, therefore, liable to be dismissed.

Learned counsel for the 7th respondent contends that while respondents 1 to 5 had been making in-charge arrangements for the past nine years, it is only on 07.10.2015 that the 3rd respondent has issued appointment order in favour of the 7th respondent. This Court only directed that any appointment made will be subject to the result of this writ petition. Therefore, there is no bar for appointing the 7th respondent as Anganwadi Worker. Learned counsel further contends that the 7th respondent was selected by a duly constituted selection committee and no illegality has been committed in selecting her.

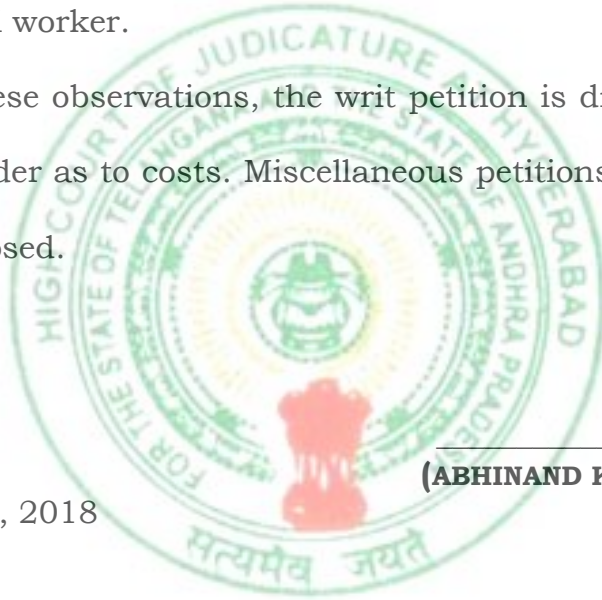
This Court, having considered the submissions made by the respective learned counsel, is of the view that no reasons are furnished by respondents 1 to 5 as to why the 7th respondent was appointed after nine years from the date of selection. This itself shows that all is not well in issuing appointment orders in favour of

the 7th respondent. When the writ petition was pending for nine long years, respondents 1 to 5 have understood the order passed by this Court as a prohibition and all of a sudden they have appointed the 7th respondent only in October, 2015. Therefore, the appointment of the 7th respondent is liable to be, and is accordingly, set aside. Respondents 1 to 5 are directed to re-conduct the selection process by duly taking into consideration the applications of the petitioner as well as the 7th respondent and any other eligible candidates and pass appropriate orders within four weeks from the date of receipt of a copy of this order. Till such time, the 7th respondent shall continue as Anganwadi worker.

With these observations, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

01st November, 2018
JSU

(ABHINAND KUMAR SHAVILI, J)



THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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Date: 01.11.2018

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