

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10517 of 2008

ORDER:

This Writ Petition is filed seeking a writ of Mandamus declaring the action of the respondents in not considering the candidature of the petitioner for the post of Anganwadi Worker as per G.O.Ms.No.21, dated 24.08.2007, pursuant to the Notification No.807/A/04, as arbitrary and illegal and further direct the respondents to consider the petitioner's candidature for the post of Anganwadi Worker by declaring the subsequent Notification, dated 17.04.2008, in so far as the Kallapari Village of Kuduru Mandal of Kurnool District, is concerned as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Government Pleader for Women and Child Welfare Development.

3. It has been contended by the petitioner that she is fully eligible to appoint as Anganwadi Worker and she has responded to the notification issued by the respondents on 04.1.2007, but the respondents without finalizing the selections pursuant to the said notification, has unilaterally cancelled the said notification and issued another notification on 17.04.2008. In those circumstances, the petitioner has filed the present writ petition challenging the action of the respondents in issuing fresh notification without finalizing the earlier notification.

4. Learned counsel for the petitioner submits that two candidates have responded to the notification, dated 04.10.2007 and some complaints have been received in respect of another candidate, who had applied for the post of Anganwadi Worker, the

respondents in stead of considering the case of the petitioner, had unilaterally cancelled the said notification and issued fresh notification on 17.04.2008 and the action of the respondents in canceling the notification, dated 04.10.2007 is arbitrary and illegal and that the respondents ought not to have cancelled the said notification and on the other hand, respondents ought to have considered the case of the petitioner for appointment as Anganwadi Worker as she is fully eligible and qualified.

5. Learned Government Pleader appearing for the respondents had contended that the notification issued by the respondents during 2007 was cancelled and fresh notification was issued and the case of the petitioner will be considered in accordance with law.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner for appointment as Anganwadi Worker in accordance with law.

7. Accordingly, the Writ Petition is disposed of directing the respondents to consider the case of the petitioner for appointment as Anganwadi Worker in accordance with the Rules, along with other eligible candidates.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 25, 2018

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Date:25.10.2018

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