

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25148 OF 2018

DATED :23.07.2018

Between :

P.Nirmala Kumari W/o.G.Rambabu,
Aged 32 yrs, Occu : Employee,
R/o.H.No.9-79, Harijanawada,
Pragadavaram, Chintalapudi Mandal,
West Godavari District.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Women & Child Welfare Department,
Secretariat, Velagapudi,
Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Women & Child Welfare Department.

2. Petitioner and 4th respondent are working as Anganwadi Helpers in Pragadavaram Village, Chintalapudi Mandal, West Godavari District. Petitioner as well as 4th respondent are aspiring for promotion as Anganwadi Workers. This writ petition is filed praying that the “respondents are going to appoint” the 4th respondent as Anganwadi workers in the village and the same is contrary to the orders of the Government in G.O.Rt.No.102 dated 28.03.2011.

3. The prayer in the writ petition itself would disclose that so far no such appointment is made.

4. According to learned counsel for the petitioner, though the petitioner and 4th respondent were working in the same village, the 4th respondent is not the local resident of that village and therefore, she is not entitled to be appointed as Anganwadi worker in that village. Whether the 4th respondent is eligible to be promoted or to be appointed as Anganwadi worker and whether the authorities in contravention of requirements of Government orders would be appointing unqualified person is the matter which can be gone into only when an order of appointment is issued. Even before a decision is made, the Court cannot exercise its jurisdiction under Article 226 of the Constitution of India and

undertake judicial review. The judicial review is available only when a decision is made by the authority to examine the validity of decision so made, but not before a decision is made. Thus, the writ petition is premature and is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to work out her remedies as and when the cause of action arises. Pending miscellaneous petitions, if any, shall stand closed.

23rd July, 2018
Rds

P.NAVEEN RAO,J

