

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.1003 of 2018

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The appellant is the fifth respondent in W.P.No.18216 of 2018 which was filed by the first respondent herein. By order dated 03.07.2018, a learned Judge of this Court allowed the said writ petition and set aside the selection and appointment of the appellant-fifth respondent. Aggrieved thereby, she is in appeal.

It is an admitted fact that despite service of notice, the appellant-fifth respondent did not choose to enter appearance before the learned single Judge. The issue relates to the selection and appointment to the post of Social Worker (Female) in the District Boys Protection and Child Welfare Unit, Kadapa, on contract basis. The appellant-fifth respondent and the first respondent-writ petitioner aspired for selection and appointment to the said post in pursuance of the Notification dated 29.12.2017. In terms of the said Notification issued by the Project Director, District Women and Child Welfare Department, Kadapa, the eligibility criteria in relation to the post of Social Worker is as under:

S. No.	Name of the post	No. of posts vacant	Remuneration	Age as on 01.01.18	Eligibility Criteria
2	Social Worker	02 (1 shall be a woman)	Rs.14,000/-	25 to 35	(a) Should have a Bachelor/Post Graduate in Social Work/MSW/PG in Psychology and Bachelor Degree in Sociology from recognized University. (b) Should have at least 3 years experience and knowledge of working on women/children protection issues including 2 years of working with children in conflict with law. Experience of working in Police Dept., on child related issues will be an

					added advantage. (c) Should have good rapport with the NGOs/ Police/Govt., Departments in the district who are working with children in conflict with law. (d) Should have demonstrable commitment to women and child concerns. Should have written & oral communication skills (ability to write and speak fluently English and Telugu). Ability to write case reports (submit copies of the reports). (e) Ability to work on computer and capable in using MS-Office package (MS word and Excel and also capable of using the internet.
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The learned Judge however found that the authorities decided after issuance of the aforestated Notification that insistence upon the experience criteria could be dispensed with as sufficiently experienced persons were not available. The learned Judge opined that this relaxation of the prescribed experience criteria after issuance of the Notification was unsustainable in law. As rightly pointed out by the learned Judge, many eligible candidates who fulfil all other requirements except the experience criteria may not have applied owing to the prescription thereof and were therefore excluded at the threshold.

Sri Shaik Mohammed Ismail, learned counsel for the appellant-fifth respondent, would contend that even the first respondent-writ petitioner was ineligible to apply for the subject post in terms of the eligibility criteria prescribed and therefore, she had no locus to maintain the writ petition.

However, we find that the appellant-fifth respondent was equally ineligible as she did not possess a Bachelor/Postgraduate Degree in Social Work or a Postgraduate Degree in Psychology but possessed only a

Masters Degree in Sociology. Therefore, the appellant-fifth respondent was unqualified in terms of the eligibility criteria prescribed under Clause (a) in the aforestated table.

Be it viewed from any angle, we are of the opinion that selection and appointment of the appellant-fifth respondent could not be sustained and the learned Judge rightly set it aside. We find no grounds to interfere with the order under appeal.

The writ appeal is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

Date: 03.12.2018
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SANJAY KUMAR, J

M. GANGA RAO, J