

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7450 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of respondents Nos.1 and 2 in selecting/appointing the 3rd respondent vide proceedings dated 30.1.2007 as Anganwadi Worker in I.C.D.S. Project-Penukonda, Marla Palli Village, Puttaparthi Mandal, Anantapur District, as illegal and arbitrary, and consequently, to direct respondents Nos.1 and 2 to set aside the said proceedings.

2. Heard Sri I. Venkata Prasad, learned Counsel for the petitioner and the learned Government Pleader for Women Development and Child Welfare.

3. It has been contended by the petitioner that respondents Nos.1 and 2 issued a notification dated 16.2.2000 inviting applications for appointment of Anganwadi workers, Marla Palli Village and that the petitioner and the 3rd respondent applied to the said post and both of them were called for interview. It is the specific case of the petitioner that the 3rd respondent had not produced any documents except the date of birth certificate. Further, it has been contended by the petitioner that as per the notification, the candidate must be between 21 and 45 years and that the 3rd respondent has crossed 45 years and she was aged about 46 years at the time of notification and contrary to the notification, the official respondents appointed the 3rd respondent

vide the impugned proceedings, and therefore, the present writ petition is filed.

4. In the counter-affidavit, it has been stated that on 19.4.2007 this Court was pleased to pass interim direction to maintain status quo. The material on record discloses that this Court never granted status quo. Be that as it may. It is the case of the official respondents that due to pendency of this writ petition, no orders were passed in favour of the 3rd respondent.

5. This Court having considered the rival submissions made by the parties is of the view that the 3rd respondent is not entitled to be appointed as Anganwadi worker as she crossed maximum age limit of 45 years prescribed in the notification. It is specifically stated in the counter that no orders were passed by the official respondents in favour of the 3rd respondent due to pendency of this writ petition. In view of the same, the proceedings impugned are liable to be set aside.

6. Accordingly, the Writ Petition is disposed of setting aside the proceedings of the official respondents dated 30.1.2007. If the petitioner is eligible for appointment to the post of Anganwadi worker, her case may be considered in accordance with the rules, and appropriate orders may be passed, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions, pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 26.9.2018.
nn.

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26/09/2018

Nn.