

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17552 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings No.412/2006, dated 24.7.2007 issued by the 2nd respondent appointing the 4th respondent as Anganwadi worker of Kothuru-Kornipeta Village, Gara Mandal, Srikakulam District, as illegal and arbitrary; to set aside the same and consequently, to direct the official respondents to appoint the petitioner as Anganwadi Worker, Kothuru-Kornipeta village, Gara Mandal, Srikakulam District.

2. Heard Sri A. Rama Rao, learned Counsel for the petitioner; the learned Government Pleader for Women Development and Child Welfare for the official respondents and Sri T. Rajasekhar Rao, learned Counsel for the 4th respondent.

3. It has been contended by the learned Counsel for the petitioner that the petitioner is having higher qualification than what has been prescribed and she has more experience than the 4th respondent, but ignoring her case, the official respondents appointed the 4th respondent as Anganwadi Worker.

4. The learned Counsel for the 4th respondent contended that when once minimum qualification is prescribed, the

persons, who fulfilled the prescribed qualification are entitled to the post of Anganwadi and therefore, mere acquiring higher qualification will not disentitle the persons who acquired prescribed qualification and that the selection committee has rightly appointed the 4th respondent, and no illegality has been committed by the official respondents in appointing the 4th respondent.

5. This Court having considered the rival submissions made by the parties is of the view that when once the minimum qualification is prescribed and when once the 4th respondent is having prescribed qualification, the case of the petitioner cannot be distinguished in the selection process on the priority basis merely on the ground she acquired higher qualification. Apart from that, unless it is specified in the notification or in the selection process that there would be some weightage to the persons who possessed higher qualification, the petitioner cannot claim the weightage as a matter of right without any basis. There are no merits in this writ petition.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions, pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 26.9.2018.
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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26/09/2018

Nn.