

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.31330 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Women and Child Welfare appearing for the respondents.

2. Petitioner has filed this Writ Petition questioning the Notification dt.08-07-2017 issued by respondent Nos.3 and 4 in respect of Anganwadi Helper vacancy in Musalimadugu-I center. Petitioner contended that she belongs to Schedule Caste community and she was the selected candidate for the post of Anganwadi Helper in Musalimadugu-I Center, which is under the control of 5th respondent, after an interview was conducted on 13-11-2015 at Collector Conference Hall, Kurnool, pursuant to the Notification dt.12-09-2015; that she was selected in interview and her name was published in the selection list along with other selected members; respondent Nos.4 and 5 did not issue appointment orders; and though she made representations on 04-01-2016 and 31-08-2017 to 4th respondent, no action was taken by 4th respondent. She has specifically asserted that she attended the interview on 13-11-2015 and submitted all her original certificates and only after examination of the same, she was selected by the interview board and placed at serial No.19 in the selection list, but she was denied appointment

order and now a fresh Notification has been issued to fill up the post of Anganwadi Helper for the same school on 08-07-2017.

3. Learned counsel for the petitioner has placed before me a call letter issued to her to attend the interview for the said post in the Collector Conference Hall, Kurnool (Ex.P-3) and also the selection list of recruitment of Anganwadi Helpers for Musalimadugu-I center released by respondent Nos.4 and 5 after the interview was conducted. Copy of the said list clearly reveals that the petitioner was selected to Musalimadugu-I center by the Selection Committee after the interview.

4. Strangely, counter affidavit is filed by the respondents stating that petitioner did sign in the attendance register at the interview venue but did not attend for the interview. It is further stated that after completion of selection process, list of selected candidates was kept in the website, but the name of the petitioner was also put up in the selection list due to oversight.

5. Reply affidavit as well as Additional Reply Affidavit have been filed by the petitioner denying the said allegation.

6. From the facts narrated above, it is clear that the petitioner was sent a call letter to attend the interview for selection to the post of Anganwadi Helper in Musalimadugu-I center in November 2015 and that she did attend the interview venue and signed in the attendance register. It is difficult to accept the contention of the

learned counsel for the respondents that petitioner having signed in the attendance register did not attend for the interview since this is not a normal course of human conduct particularly when hers was the only application for the said post.

7. Also, admittedly, the selected candidates' list was put up on the website only after the interview was held. Therefore, the presumption is petitioner did attend the interview and was selected, but for extraneous reasons, though her name was included in the selection list, the respondents have not given her appointment letter and are now proposing to fill up the said vacancy by a fresh process of selection through Notification dt.08-07-2017. This action of the respondents is clearly arbitrary, illegal and unreasonable and violates Articles 14 and 16 of the Constitution of India.

8. Accordingly, the Writ Petition is allowed; the Notification dt.08-07-2017 issued by respondent Nos.3 and 4 in respect of the Anganwadi Helper vacancy in Musalimadugu-I center is declared as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India; the Notification dt.08-07-2017 is set aside as regards the vacancy of Anganwadi Helper for the Musalimadugu-I center; and the respondent Nos.4 and 5 are directed to issue appointment orders to the petitioner as Anganwadi Helper in Musalimadugu-I center within four weeks from the date of receipt of a copy of this order. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-02-2018
kvr

