

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No.23837 OF 2014****ORDER :**

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondent Nos. 2 to 4 in intending to appoint the respondent Nos. 5 and 6 as Anganwadi Workers for Ramanayak Thanda of Thamaballapalle Mandal, as illegal, arbitrary and contrary to the guidelines and consequently direct the respondent Nos. 2 to 4 not to proceed with the appointment of respondent Nos. 5 and 6 as Anganwadi Workers for Ramanayak Thanda.

2. Heard Mr.V.Venkata Mayur, Counsel for the petitioner and Mr. Mahadeva Kanthrigala, Government Pleader for Women Development and Child Welfare Department.

3. It has been contended by the petitioner that the petitioner is fully qualified and appointed as Anganwadi Worker and the respondents have issued a notification to the post of Anganwadi Workers in February, 2014 and the petitioner had responded to the said notification. The Counsel for the petitioner further contended that the respondent Nos. 5 and 6 have also responded to the said notification and the case of the petitioner is that the respondent Nos. 5 and 6 are not eligible for appointment as Anganwadi Workers. Apprehending that the respondent Nos. 5 and 6 may be appointed as Anganwadi Workers, who are not eligible, the petitioner submitted a representation on 10.2.2014. But the respondents have not passed any orders

on the said representation. Challenging the same, the present Writ Petition is filed.

4. The Counsel for the petitioner further contended that this Court was pleased to grant interim directions on 21.8.2014, directing the respondents 2 to 4 not to proceed with the appointment of respondents 5 and 6 as Anganwadi Workers for Ramanayak Thanda, until further orders.

5. The Counsel for the petitioner contended that appropriate orders may be passed directing the respondents to consider the petitioner's appointment as Anganwadi Worker.

6. The Counsel appearing for the Unofficial Respondent No.6 contends that this Writ Petition is premature and no decision is taken to appoint the respondent Nos. 5 and 6 and the Writ Petition is liable to be dismissed as it is a premature Writ Petition.

7. The Government Pleader, appearing for the respondents, had contended that the respondents have yet to pass orders. Even before any decision is taken in respect of 5 and 6th respondents the present Writ Petition is filed and the interim orders were passed by this Hon'ble Court, stalling the recruitment of Anganwadi Workers.

8. This Court, having considered the submissions made by the parties, is of the considered view that this Writ Petition is misconceived and this Writ Petition is filed even before the official respondents have taken any decision with regard to the eligibility of the respondent Nos. 5 and 6. There are no merits in the Writ Petition and the Writ Petition is liable to be dismissed and accordingly it is dismissed. It is needless to say that the respondents shall consider all the eligible candidates in accordance with law and appoint Anganwadi Workers in accordance with rules.

9. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

23rd November, 2018

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