THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.32281 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the notification issued by respondent No.3 in the newspaper "Sakshi Daily (Local Edition Vizianagaram, Vizianagaram District) Newspaper, dated 13.09.2015" as illegal, arbitrary and violative of principles of natural justice.

Heard Sri Bomminayuni Apparao, learned counsel for the petitioner and the learned Government Pleader for Women Development and Child Welfare.

It has been contended by the petitioner that she was appointed as Anganwadi Helper on 01.04.1997 and while she was working, the respondents had removed her on the ground that she has attained the age of superannuation and she has crossed 60 years. It is the case of the petitioner that she is actually aged 58 years and she is illiterate woman. When she was asked to produce medical certificate in respect of authenticity of her age, she has obtained medical certificate to the effect that she is only aged about 58 years and submitted the same to respondent No.5. But respondent No.5 has not forwarded the medical certificate submitted by the petitioner to the higher authorities. Therefore, the higher authorities have passed termination orders of the petitioner on the ground that she has attained the age of 60 years.

Learned Government Pleader, appearing for the respondents, has submitted that there is a right of appeal to the Commissioner of Women and Child Welfare Department, which is an efficacious remedy and

without exhausting the alternative remedy of appeal before the Commissioner of Women and Child Welfare Department, the petitioner has approached before this court by filing the present writ petition, which is not maintainable.

Learned Government Pleader has further contended that even as per the other documents such as Aadhar Card and other documentary evidence, the petitioner is aged 60 years and hence her services cannot be continued, that the petitioner is also drawing old age pension and such pension will be granted to such of those individuals who have crossed 60 years and hence the question of treating the petitioner as 58 years of age would not arise.

This court, having considered the rival submissions made by both the parties, is of the considered view that this writ petition can be disposed of, directing the petitioner to prefer an appeal before the Commissioner, Women and Child Welfare Department, within a period of 2 (two) weeks from the date of receipt of a copy of this order, and upon receiving such an appeal from the petitioner, the Commissioner, Women and Child Welfare Department will consider and pass appropriate orders thereon, within a period of 8 (eight) weeks therefrom.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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ABHINAND KUMAR SHAVILI,J

Date: 23.04.2018
Dsr