

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No. 44035 OF 2018****ORDER :**

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the paper Notification dated 16.11.2018 whereunder the recruitment of Anganwadi Workers has been notified by the 3rd and 4th respondents herein in respect of C.Kanala Anganwadi Center, Koilkuntla Project as being illegal, arbitrary, violative of Articles 14, 16 and 21 of Constitution of India, violative of Memo. dated 28.09.2018 issued by the 1st respondent herein, and violative of law declared this Hon'ble Court by order dated 16.11.2015 in WP No.31374 of 2015 and batch and further declaring that the petitioner is entitled to be appointed as Anganwadi Worker.

2. Heard Ms.B.Geeta, Counsel for the petitioner and the Government Pleader for Women and Child Welfare Department.

3. It has been contended by the Counsel for the petitioner that she was initially appointed as Mini Anganwadi Worker on 27.12.2007 and she is fully eligible and qualified to be posted as regular Anganwadi Worker. But the respondents, instead of considering the case of the petitioner for promotion as Anganwadi Worker, had issued a recruitment Notification for filling up the posts of Anganwadi Workers, ignoring the case of eligible candidates, on 16.11.2018. The Counsel for the petitioner submits that the issue raised in the Writ Petition is squarely covered by a judgment rendered by this Hon'ble Court in Writ Petition No.31374 of 2015 and Batch, dated 16.11.2015 wherein his Hon'ble Court had held as under:

“Accordingly, the recruitment notifications challenged in all the writ petitions are set aside and consequently, the respondents are directed to consider the petitioners for appointment/promotion as Anganwadi Workers in the respective villages subject to their eligibility and suitability in the existing vacancies of the respective villages. Such consideration shall be completed within a period of four (4) weeks from the date of receipt of copy of the order. The Writ Petitions are, accordingly, allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.”

4. The counsel contends that the respondents were not justified in issuing the recruitment notification when the eligible candidates are available for the posts of Anganwadi Workers.

5. Learned Government Pleader has not disputed about the same.

6. This Court, having considered the rival submissions made by both the parties is of the considered view that the notification issued by the respondents for filling up the posts of Anganwadi Workers dated 16.11.2018 is not in accordance with the rules and contrary to the judgment rendered by this Hon’ble Court in WP No.31374 of 2015 and Batch, dated 16.11.2015 and accordingly the same is liable to be set aside.

7. Accordingly, the Writ Petition is allowed and the notification dated 16.11.2018 is set aside and the respondents are directed to consider the case of the petitioner for promotion to the post of Anganwadi Worker.

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

ABHINAND KUMAR SHAVILI, J

6th December, 2018

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