

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO**

WRIT APPEAL NO.1640 OF 2018

JUDGMENT: (Per Hon'ble Sri Justice Sanjay Kumar)

The appellant is the 5th respondent in Writ Petition No.19695 of 2007. She is aggrieved by the order dated 08.11.2018 passed by a learned Judge of this Court allowing the said Writ Petition and setting aside her appointment as an Anganwadi worker. The Writ Petition was filed by the first respondent herein.

The appellant and the first respondent were rival candidates for appointment to the post of Anganwadi worker at Budumuru Centre-III, Laveru Mandal, Srikakulam District, which was notified on 14.10.2006. It is not in dispute that the said notification prescribes that the qualification required is a pass in 10th class and only if candidates who have passed 10th class are not available, those who have passed 7th class shall be considered for the said post. It is also not in dispute that the first respondent possessed a pass in 10th class while the appellant does not. Despite the same, the appellant was appointed to the said post, *vide* proceedings dated 24.07.2007. As she did not possess the requisite qualification and as a candidate with the requisite qualification, viz., the first respondent was available, the learned single Judge set aside the appointment of the appellant.

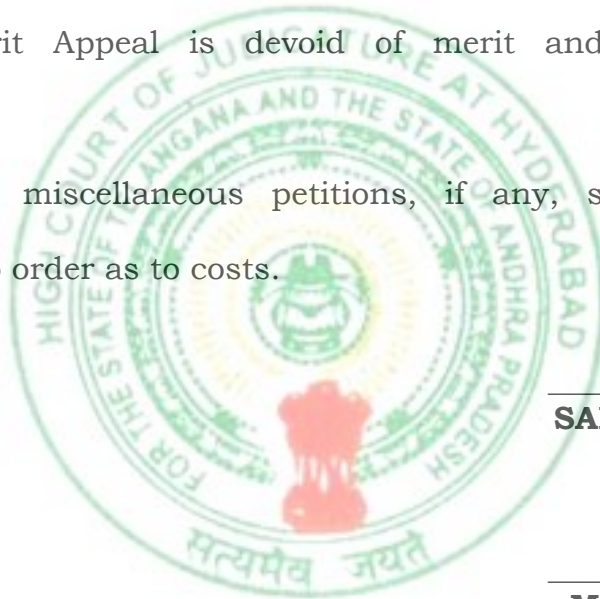
No explanation is forthcoming either from the authorities or from the appellant as to how her appointment is justified when the same was in violation of the notified conditions.

Smt.K.V.Rajasree, learned counsel for the appellant, would place reliance on ***Buddhi Nath Chaudhary vs. Abahi Kumar***¹, ***Rekha Chaturvedi (Smt) vs. University of Rajasthan***² and ***C.M.Singh vs. H.P.Krishi Vishva Vidyalaya***³. We however find that reference was made therein by the Supreme Court to the power vesting in it under Article 142 of the Constitution of India. Such power would not be available to this Court. As such, those judgments are of no avail to the appellant.

We therefore find no grounds to interfere with the order under appeal.

The Writ Appeal is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

18th December, 2018

Note : Issue C.C. in three days.

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¹ (2001) 3 SCC 328

² 1993 Supp (3) SCC 168

³ (1999) 9 SCC 40

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