

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.7450 of 2013

ORDER:

This writ petition is filed seeking the following relief :-

“....to call for the records from the 2nd and 3rd respondents and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the action of respondents having selected the petitioner to the post of Anganwadi Teacher/ Anganwadi Karyakatha by proceedings No A/ 2012, dated 04.03.2013 and not permitting her to join duty as illegal, unjust, contrary to law, arbitrary in violation of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India and grant all consequential benefits....”.

Heard Mr.A.K.Jayaprakash Rao, learned counsel appearing for the petitioner and the learned Government Pleader for Women Development and Child Welfare Department.

It has been contended by the petitioner that she was selected for the post of Anganwadi Teacher and her name was shown in the selected list dated 04.03.2013, but respondents 1 to 3 are not permitting her to join duty as Anganwadi Teacher. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the petitioner has secured 355 marks in the SSC examination and whereas the 4th respondent has secured only 305 marks. As per the selection process, whoever gets more marks in the SSC examination alone should be selected. But, respondents 1 to 3 have selected the 4th respondent as Anganwadi Teacher on political grounds and did not select the petitioner as Anganwadi Teacher though she has secured more marks in the SSC examination. Therefore, the learned

counsel submits that appropriate orders be passed in the writ petition by setting aside the appointment order issued to the 4th respondent and directing respondents 1 to 3 to issue appointment order in favour of the petitioner.

Learned Government Pleader appearing for the respondents 1 to 3 has contended that the name of the petitioner as well as the 4th respondent is one and the same except surname and erroneously the name of the petitioner was shown in the proceedings dated 04.03.2013 instead of the name of the 4th respondent. Though the petitioner has secured more marks than the 4th respondent in the SSC examination, in the interview, the petitioner has secured only 10.5 marks whereas the 4th respondent has secured 17.5 marks. On considering the overall merit that the 4th respondent has secured more marks than the petitioner, respondents 1 to 3 have rightly appointed the 4th respondent as Anganwadi Teacher and she has been discharging her duties as such since 2013. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that as per the procedure, the selection criteria is marks secured in the SSC examination and performance in the interview. Though the petitioner has secured more marks in the SSC examination than the 4th respondent, the petitioner has secured less marks in the interview whereas the 4th respondent has secured more marks in the interview. Therefore, respondents 1 to 3 have rightly appointed the 4th respondent as Anganwadi Teacher as she has

secured more marks than the petitioner in the interview. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

19-09-2019
Prv

