

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14023 of 2021

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

“to issue a Writ, Order or Orders more particularly one in the nature Writ of Mandamus direct the respondents to appoint the petitioner as Anganwadi Helper at Uppalwai-2 Village /Grampanchayat, Anganwadi centre by strictly adhering to the merit obtained in the SSC examination with all consequential benefits by holding the action of respondents in not considering the petitioners representation dated 28/4/2021 for appointment to the post of Anganwadi Helper of Uppalwai-2 Village/Grampanchayat is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India” .

Heard Sri Ch.Jagannatha Rao, learned counsel appearing for the petitioner and the learned Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed as an Anganwadi helper and the respondents have issued Notification in the month of October, 2020 to fill up the posts of Anganwadi helpers and she has responded to the said Notification. The marks secured in the S.S.C. examination will determine the selection of candidates. Though she has secured more marks in the S.S.C. examination, the 2nd respondent has not considered her case and appointed some other person as Angwandi helper. Aggrieved by the same, she has preferred an appeal before the 1st respondent on 28.04.2021. But, so far, the 1st respondent has not passed any orders on the said appeal.

Therefore, learned counsel appearing for the petitioner had contended that appropriate orders be passed in the writ petition

directing the 1st respondent to consider the appeal preferred by the petitioner on 28.04.2021 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents had contended that the petitioner has not impleaded the person, who was appointed as an Anganwadi helper and therefore, the writ petition is not maintainable and the same is liable to be dismissed. However, since the appeal preferred by the petitioner is pending with the 1st respondent, the 1st respondents would consider the same and pass appropriate orders in accordance with law, after giving opportunity to the affected person.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to consider the appeal preferred by the petitioner on 28.04.2021 and pass appropriate orders in accordance with law, within a reasonable period of time, preferably within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that the 1st respondent will hear the affected person also before adjudicating the appeal preferred by the petitioner in accordance with law.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

24.06.2021
Prv

