
(2019) 05 RAJ CK 0193

In the Rajasthan High Court

Case No : Civil Writ Petition No. 16774 Of 2018

Rekha Devi Meena

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 22-05-2019

Acts Referred:

Citation : (2019) 05 RAJ CK 0193

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Vishal Thakur

Final Decision : Disposed Off

Judgement

This writ petition has been filed by the petitioner aggrieved against non-implementation of the selection of the petitioner by SDMC (Annex.4) as Aanganwadi Karyakarta, which was not signed by the Sarpanch, Secretary and Member of the Gram Panchayat.

It is submitted that petitioner was the only candidate pursuant to the advertisement and was awarded marks. Being the only candidate, she was entitled to be appointed, however, the name of the petitioner was not recommended and action thereof, was not taken.

Feeling aggrieved, the petitioner had approached the Deputy Director vide Annex.5, however, the grievance was not resolved and instead an advertisement dated 18.9.2018 (Annex.6) has been issued treating the post as vacant and, therefore, the action of the respondents in this regard deserves to be quashed and set aside. Reliance has been placed on Circular dated 9.11.2016 (Annex.7).

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

In terms of Circular dated 9.11.2016 (Annex.7), under Clause 2(C) of the said circular, against the action of the respondents, an appeal is provided to the

Deputy Director. Though the representation (Annex.5) made by the petitioner may strictly cannot be called an appeal, however, once the petitioner had approached the Deputy Director against the action of the respondents, the Deputy Director was bound to decide the same in exercise of his appellate powers under Clause 2(C) of the Circular dated 9.11.2016 (Annex.7).

In view of the above fact situation, wherein, the representation / appeal filed by the petitioner against the action / inaction of the respondents is pending before the Deputy Director, the Deputy Director is directed to decide the representation / appeal filed by the petitioner within a period of two weeks from the date a copy of this order is placed before the said authority, if not already decided. Till such time that the appeal is decided by the Deputy Director, if pursuant to the advertisement dated 18.9.2018, appointment has not been accorded on the post of Anganwari Karyakarta, the same shall not be made.

With the above directions, the petition filed by the petitioner stands disposed of.