

(2012) 09 KAR CK 0202

In the Karnataka High Court

Case No : Writ Petition No. 17574 of 2007 (S-RES)

Smt Maheshwari

APPELLANT

Vs

The Director Women and Child Welfare Development Dept.,
M.S. Buidling, Bangalore 1, The Deputy Director Women and
Child Development, Bagalkot District, Bagalkot, Project
Officer Child Development Project, ICDS, Dept. of Women
and Child Dev. Hunagund TQ, Bagalkot and Shashikala M
Puruvanthar

RESPONDENT

Date of Decision : 10-09-2012

Acts Referred:

Citation : (2012) 09 KAR CK 0202

Hon'ble Judges : Huluvadi G Ramesh, J

Bench : Single Bench

Advocate : S.P. Kulkarni and Sri Ramachandra Mali, for the Appellant; Megha C Kolekar, GP for R1-R3, Sri Mallikarjunswamy B Hiremath, Adv for R4, for the Respondent

Final Decision : Dismissed

Judgement

Huluvadi G Ramesh

1. Petitioner has sought for issuance of writ of certiorari to quash the final select list of Anganwadi teachers dated 30.08.2007 issued by the 2nd respondent at Annexure J and also to issue writ of mandamus directing the 2nd respondent to consider the candidature of the petitioner for selection and appointment to the post of Anganwadi teacher at Revadihal village in view of her eligibility and qualification in accordance with law and for such other orders. The grievance of the petitioner is, pursuant to the circular dated 30.12.2003 issued by the 1st respondent for establishing Anganwadi pre-school centers and appointment of Anganwadi workers to such pre-schools. Petitioner was also appointed as Anganwadi worker at Revadihal on 29.6.2004. Subsequently, applications were invited from eligible candidates on 27.7.2006 for appointment to the post of

Anganwadi worker/Teacher at various pre-school centers in Hungund taluk, for which, petitioner has submitted her application on 10.8.2006 and also appeared for the interview as per the direction of the 3rd respondent on 9.7.2007 along with original certificates. However, in the final list published by the 2nd respondent, 4th respondent has been selected as Anganvadi worker at Revadihal who has only SSLC qualification and does not possess NTC. Hence, this petition.

2. Heard the learned counsel for the petitioner, the learned Government Pleader and the learned counsel appearing for the 4th respondent.

3. According to the learned counsel for the petitioner, petitioner was earlier appointed as Anganwadi worker and she is having work experience and she has passed SSLC and also NTC examination, whereas the 4th respondent who was not possessing. NTC qualification has been appointed.

4. According to the learned counsel for the 4th respondent, 4th respondent is more meritorious than the petitioner and has secured more marks in SSLC examination. Even she has passed NTC exams. Petitioner after marriage is residing along with her husband at Bagalkot whereas 4th respondent is residing at Revadihal. As per the Circular at Annexure "C", she is found eligible as such, case of the petitioner has not been considered, as she was residing elsewhere. Petitioner has produced the residential certificate of her father's place and not of the place where she is married and residing whereas the 4th respondent is very much the resident of Revadihal. In the absence of production of residential certificate of her husband's place after the marriage, petitioner cannot have gain say in the matter. On perusal of the certificate produced by the 4th respondent for having passed NTC exams and also the SSLC marks card, it is seen that the 4th respondent is having prescribed qualification and also has secured more marks than that of the petitioner. In the circumstances, petitioner cannot say that she is more meritorious than the 4th respondent. Hence, no scope for interference.

Petition is dismissed.