IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF AUGUST, 2022

PRESENT

THE HON'BLE MR. ALOK ARADHE
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT APPEAL NO.110/2022(S-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS UNDER SECRETARY
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT AND PHYSICALLY
HANDICAPPED AND SENIOR
CITIZEN WELFARE, VIDHANA SOUDHA
BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER
CHITRADURGA TOWN AND
DISTRICT - 577 501.

3. THE DEPUTY DIRECTOR
DEPARTMENT OF WOMEN AND
CHILD DEVELOPMENT
CHITRADURGA
CHITRADURGA DISTRICT.

4. THE CHILD DEVELOPMENT
PLANNING OFFICER
MOLAKALUMURU TALUK
CHITRADURGA DISTRICT - 577 529.

5. THE EXECUTIVE OFFICER
AND MEMBER, DEPARTMENT OF
WOMEN AND CHILD DEVELOPMENT
ANGANAWADI WORKERS HELPER

SECTION COMMITTEE
MOLAKALUMURU - 577 529.

6. THE DISTRICT HEALTH OFFICER
AND MEMBER, DEPARMENT OF WOMEN
AND CHILD DEVELOPMENT
ANGANAWADI WORKERS
HELPER SELECTION COMMITTEE
MOLAKALUMURU - 577 529.

7. THE SOCIAL WELFARE OFFICER
AND MEMBER, DEPARTMENT OF
WOMEN AND CHILD DEVELOPMENT
ANGANAWADI WORKERS
HELPER SELECTION COMMITTEE
MOLAKALUMURU - 577 529. ...APPELLANTS

(BY SRI J.SATHISH KUMAR, AGA)

AND:

1. SMT. CHANDRAMMA
W/O LATE BASAVARAJA @ BASANNA
AGED ABOUT 29 YEARS
R/AT NO. 175, MARAMMANAHALLI
KONDLAHALLI POST
MOLAKALMURU TALUK
CHITRADURGA DISTRICT - 577 529.

2. THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH
CHITRADURGA
CHITRADURGA DISTRICT.

3. SMT. NAGAMMA
W/O LATE MALLIKARJUNA
AGED ABOUT 27 YEARS
PERMENANETLY R/AT
BOMMAGONDANAKERE
KODLAHALLI POST
MOALAKALMURU TALUK
PRESENT CLAIMING TO BE
R/AT MARAMMANAHALLI
KONDLAHALLI POST

MOLAKALMURU TALUK
CHITRADURGA
DISTRICT - 577 529. ...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 23.08.2021 PASSED BY THE LEARNED SINGLE JUDGE IN THE WRIT PETITION NO. 12607/2020 AS ILLEGAL AND ETC.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, ***VISHWAJITH SHETTY J.,*** DELIVERED THE FOLLOWING:

JUDGMENT

The State and its Officers have filed this intra court appeal against the order dated 23.08.2021 passed by the learned Single Judge of this Court in W.P.No.12607/2020.

2. Heard the learned Additional Government Advocate for the appellants and also perused the material on record.

3. Facts of the case as revealed from the records are, pursuant to the notification dated 16.03.2020, the respondent no.1 had filed an application seeking appointment to the post of Anganawadi Assistant and claimed preference under widow category. However, since she had not uploaded the supporting document to show that her husband had died, her application was rejected and Smt. Nagamma - respondent no.3 was appointed to the post of Anganawadi Assistant. It is

under these circumstances, respondent no.1 - Chandramma had preferred W.P.No.12607/2020 before this Court, which was allowed by the learned Single Judge vide the order impugned.

4. From the perusal of the order impugned, it is seen that the contesting respondent - Smt. Nagamma had entered appearance before the learned Single Judge and had engaged the services of an advocate on her behalf.

5. The learned Single Judge vide the order impugned has quashed the appointment of respondent no.3 - Nagamma and has directed appellants 2 to 8 to consider the case of the petitioner for appointment to the post of Anganawadi Assistant at Marammanahalli Anganawadi Centre, after giving an opportunity to the petitioner to produce the death certificate of her husband, and thereafter, pass appropriate orders in accordance with law.

6. The contesting respondent - Nagamma whose selection and appointment has been quashed has not challenged the order passed by the learned Single Judge and

it is the State and its Officers who have filed this writ appeal challenging the order passed by the learned Single Judge.

7. The learned Single Judge while allowing the writ petition has observed that the appellant-authorities ought to have given an opportunity to respondent no.1 to produce the death certificate of her husband to prove that she was a widow and it is under these circumstances, the learned Single Judge has quashed the appointment of Nagamma - respondent no.3 herein and has directed the authorities to consider the case of the petitioner for appointment.

8. When the contesting respondent whose appointment has been quashed by the learned Single Judge has not thought it fit to question the order passed by the learned Single Judge, the State and its authorities cannot have any grievance as against the order impugned, wherein they have been directed to re-consider the case of respondent no.1 for appointment after giving an opportunity to produce the death certificate of her husband, and thereafter, pass appropriate orders in accordance with law.

9. Under the circumstances, we are not inclined to entertain this appeal and the same is accordingly dismissed. We make it clear that we have not expressed any opinion on the merits of the case and we have declined to entertain this appeal only on the ground that the same is filed by the State and its authorities.

Sd/-
ACTING CHIEF JUSTICE

Sd/-
JUDGE

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