

(2015) 07 AP CK 0104
In the Andhra Pradesh High Court
Case No : W.P. No. 28123 of 2010

Koduri Bhagya

APPELLANT

Vs

District Collector, Warangal District and Others

RESPONDENT

Date of Decision : 14-07-2015

Acts Referred:

Citation : (2015) 6 ALD 625

Hon'ble Judges : C.V. Nagarjuna Reddy, J.

Bench : Single Bench

Advocate : S. Rahul Reddy for S. Lakshma Reddy, for the Appellant

Final Decision : Dismissed

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a mandamus to declare the action of respondent Nos. 1 to 4 in selecting respondent No. 6 as Anganwadi worker of Madannapeta S.C. Colony, Narsampet Mandal, Waranga District as illegal and arbitrary. The petitioner averred that in pursuance of the notification issued for filling up of the post of Anganwadi worker in respect of Madannapeta S.C. Colony, she has applied for the same and that respondent No. 6 has also similarly applied. The petitioner further pleaded that though respondent No. 6 originally belonged to Madannapeta S.C. Colony, she has married a person, by name, Jenna Ravi, who is a resident of Konapuram Village, Chennaraopet Mandal and that despite the said fact, the application of respondent No. 6 was entertained and she was allowed to participate in the selection process. According to the petitioner, as per the prescribed Guidelines, only daughters-in-law of the village concerned are eligible to be considered and appointed as Anganwadi workers.

2. On behalf of respondent Nos. 1 to 4, respondent No. 4, who is the Child Development Project Officer, ICDS Project of Narsampet, Warangal District, has filed a counter-affidavit, wherein it is inter alia stated that respondent No. 6 has produced a Residence Certificate issued by the Tahsildar, Narsampet Mandal

stating that she is a resident of Madannapeta Village. Referring to the allegation made by the petitioner that respondent No. 6 has got married to J. Ravi of Konapuram Village, it is inter alia stated that though respondent No. 6 got married to J. Ravi, she being the only issue to her parents, she has been residing in Madannapeta alongwith her husband even after her marriage.

3. No rejoinder is filed by the petitioner denying this averment.

4. Sri S. Rahul Reddy, learned Counsel for the petitioner, has strongly relied upon Guidelines contained in Circular No. A1/G7/2006/ICDS, dated 1.2.2007, and in particular Guideline No. 7, which says that an applicant must be the daughter-in-law of the village. However, there is another Guideline, namely Guideline No. 2, which reads as under:

"She shall be from within village/local community she should be person who is acceptable to the local community."

5. The obvious reason for stipulating the condition of the applicants being the natives of the village appears to be to encourage the local women and ensure that the appointee will be regular in attending to her duties. Though generally after marriage, a woman lives with her husband, it is not uncommon for some of the women who continue to reside in the village of her parents. In the instant case, the counter-affidavit specifically pleaded that even after her marriage, respondent No. 6 continued to live in her native village as she happens to be the only child to her parents. In my opinion, Guideline Nos. 2 and 7 must be read together and so read, it must be construed that besides the daughters-in-law of the village, even the daughters who settled down in her original native place are also eligible for appointment as Anganwadi workers. As noted above, the petitioner has not denied the averment in the counter-affidavit of respondent No. 4 that after her marriage also, respondent No. 6 has continued to reside in Madannapeta S.C. Colony which was her birth place as she happens to be the only child for her parents.

6. Though mala fides have been attributed to respondent No. 5, the local MLA, it is unnecessary for this Court to delve into those aspects in the light of the uncontroverted fact that respondent No. 6 continued to reside in her native village and in the light of Guideline No. 2 which makes her eligible for being considered and appointed as Anganwadi worker.

7. For the above-mentioned reasons, I do not find any merit in the writ petition and the same is accordingly dismissed. As a sequel to dismissal of the writ petition, interim order, dated 12.11.2010, shall stand vacated and WP MP No. 35864 of 2010 and WV MP No. 268 of 2011 shall stand disposed of as infructuous.