

(2010) 07 AP CK 0046

In the Andhra Pradesh High Court

Case No : Writ Petition No. 24392 of 2007

Smt. Afsarunnisa Begum

APPELLANT

Vs

The Project Director, District Women Development and Child Development Agency, The District Collector and Magistrate and The Child Development Project Officer, ICDS Project

RESPONDENT

Date of Decision : 22-07-2010

Acts Referred:

Citation : (2010) 5 ALD 613

Hon'ble Judges : Nooty Ramamohana Rao, J

Bench : Single Bench

Advocate : M. Balagangadharaiah, for the Appellant; G.P. for Women Dev. and Child Welfare, for the Respondent

Final Decision : Dismissed

Judgement

Nooty Ramamohana Rao, J.—This Writ Petition has been instituted essentially questioning the action of the respondents in seeking to confine the zone of selection for appointment to the post of Anganwadi workers for such candidates, who have not crossed 35 years of age.

2. The writ petitioner has passed SSC examination and she is a resident of Mahaboobnagar. The 3rd respondent, the Child Development Project Officer, Mahaboobnagar, has notified 60 vacancies of Anganwadi workers and helpers inviting applications from eligible candidates. Though the writ petitioner has submitted her application, she has not been called for the process of selection comprising of viva voce test, on the ground that she has already crossed 35 years of age as on 01.07.2007, the cut off date fixed for the said purpose. It is pointed out that the writ petitioner was a little more than 41 years old by the cut off date.

3. Heard learned Counsel for the writ petitioner and the learned Government Pleader for Women Development and Child Welfare. The learned Government

Pleader has also been assisted by the Project Officer of the Integrated Child Development Project, Mahaboobnagar.

4. The learned Counsel for the petitioner would point out that a social welfare measure for providing nutritious food and inculcation of clean and healthy habits amongst the children coming from socially and economically disadvantaged sections, is implemented with the financial support of the Government of India and the Government of India in its instructions contained in the manual at para 3.2.12 has stated that the Anganwadi worker should be a lady in the age group of 18 to 44 years from the local village and acceptable to the local community and hence, the State Government and its officials could not have denied the right of consideration of the candidature of the writ petitioner, on the premise that she has already crossed 35 years. Therefore, the action of the respondent authorities is contrary to the guidelines framed by the Government of India and hence, the respondents ought to have considered the candidature of the writ petitioner, is the contention canvassed.

5. The learned Government Pleader has pointed out that the financial assistance or support is, undoubtedly, received from the Government of India for implementation of the integrated child development projects, but nonetheless, the local factors and local conditions are not liable to be ignored in the matter of selection of suitable Anganwadi workers and in that process, if the State Government has devised appropriate measures for selection of Anganwadi workers, there could not have been any objection raised, in particular, when they are uniformly applied. This apart, the learned Government Pleader has also drawn my attention to a communication dated 16.12.2004 received by the State Government from the Department of Women and Child Development, Ministry of Human Resource Development, Government of India, conferring adequate discretion on the respective State Governments to take an appropriate view in the matter of fixation of an upper age limit for Anganwadi workers. It is no doubt true that the said communication has been issued in the context of the upper age limit up to which the Anganwadi workers can be allowed to render services, inasmuch as the Anganwadi workers are not regular employees, but only employees receiving certain amount as honorarium and therefore, in the matter of fixation of the age of superannuation, certain amount of flexibility should be shown.

6. The guidelines framed by the Government of India are non-statutory in nature. They are in the nature of administrative instructions, for purposes of effective implementation and supervision of the integrated child development schemes sought to be implemented through the Anganwadi centers established across the breadth and length of the country. The essential purpose for running these centers was to ensure that the development of children is undertaken on scientifically approved lines. Government of India is conscious that in majority of the rural areas, poor economic conditions do not allow adequate significance and importance to be attached to the aspects relating to proper development of

children in the respective family units. Consequently, under-nourishment and mal-nutrition is predominant amongst children of vulnerable age group of 3-12 years, particularly coming from socially disadvantaged sections of the rural areas. Until and unless appropriate attention is paid for the proper development of such children, the problem of undernourishment cannot be tackled effectively. A well-nourished child will eventually be able to handle the pressures of the growing age far more effectively and successfully rather than an undernourished child. By now, it is a well-recognized principle that intellectual growth has a direct nexus with factors of proper nourishment of children. If the nation, as a whole, were to produce a good set of human beings, the problem of undernourishment or mal-nutrition must be tackled effectively when they are at a young age. Further, certain clean and hygienic habits of life can easily be taught and etched permanently when the children are at a young and impressionable age. Therefore, the primary purpose for establishing the Anganwadi centers was to secure an overall development of the young human being as a whole. Therefore, to achieve this objective, children from vulnerable segments have got to be caught at a young age and properly administered the requisite nourishments.

7. It is, therefore, appropriate that the State Government should be allowed certain amount of freedom in the matter of choosing the right candidates to be appointed as the Anganwadi workers/helpers. It is not merely enough for one to possess the minimum prescribed academic eligibility alone, but at the same time, such Anganwadi worker or helper should also be energetic and enthusiastic to impart amongst the wards under her care the requirements of nourishment. Motivation levels are bound to be high up to a particular age amongst the candidates. It is also appropriate not to lose sight of the fact that Anganwadi centers are also intended to tender appropriate advice to women, who are either in the family way or in the immediate period after they bear children. Keeping these factors in mind, if the State Government has taken a policy decision to confine the process of selection to candidates, who should not have crossed 35 years of age, for being picked up as Anganwadi workers or helpers, it would be difficult to characterize such a decision as either an unfair decision or an arbitrary decision. The fixation of upper age limit of 35 years, therefore, has got a direct bearing upon the nature of work that is required to be performed at the Anganwadi centers. Hence, I am not in a position to appreciate the contention canvassed by the learned Counsel for the petitioner that as against 44 years of age limit prescribed in the guidelines framed by the Government of India, the action of the State Government in pegging it up at 35 years is, in any manner, arbitrary or unjust. After all, the guidelines furnished by the Department of Women and Child Development, Ministry of Human Resource Development, Government of India, offer a valid platform for guidance, but they are not the end of it all. They do not become automatically or invariably liable for implementation.

8. For the above reasons, I cannot find fault with the action of the respondents in

uniformly following the principle of confining the upper age limit of selection of Anganwadi workers/helpers at 35 years.

9. Therefore, I have no hesitation to hold that this Writ Petition is merit less and accordingly, it is dismissed. No costs.