

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.22857 OF 2007**

**DATED 16<sup>th</sup> JULY, 2015**

Between:

Chikati Manjula

.. Petitioner

and

The Government of Andhra Pradesh, rep. by  
Principal Secretary, Women and Child Development  
Welfare Department and another

.. Respondents

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.22857 OF 2007**

**ORDER**

This writ petition was filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the statement dt. Nil issued by the 2<sup>nd</sup> respondent showing the Existing Phase-II Anganwadi Workers & Helpers sanctioned list of ICDS Project, Mahabubabad, Warangal District (Dornakal Constitution) in so far as it relates to Reservation Anganwadi Centre of Nerada, Kuravi Mandal, Warangal District in favour of Scheduled Tribe Community and also the notification dt.22.09.2007 published in Andhra Jyothi Telugu Daily Newspaper of Warangal District Edition in so far as it relates to carving reservations in favour of scheduled tribe community exceeding more than 50% as illegal, arbitrary and violative of Articles 14, 15 and 16 of the Constitution of India and consequently direct the respondents to dereserve Anganwadi centre of Nerada, Kuravi Mandal, Warangal District made in favour of Scheduled Caste Community and direct the respondents to consider the case of the petitioner for appointment to the post of Anganwadi worker in Anganwadi Centre, Nerada, Kuravi Mandal, Warangal District and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

The sheet-anchor of the petitioner’s case was that she belongs to a Backward Class Community and was a resident of Nerada Village, Kuravi Mandal, Warangal District, and that there were no Scheduled Tribe candidates in Nerada Village, but the vacancy of Anganwadi Worker at the village was notified under Scheduled Tribe reservation

category.

By order dated 30.10.2007, this Court directed *status quo* as on that day to be maintained with regard to the appointment of the Anganwadi Worker at Nerada Village until further orders.

W.V.M.P.No.3164 of 2011 was filed by the State to vacate the above order. However, as the pleadings are complete and the matter is ripe for hearing, it is taken up for final disposal with the consent of all the learned counsel.

In the counter-affidavit filed in support of the vacate stay petition, the Child Development Project Officer, I.C.D.S. Project, Mahabubabad, Warangal District, denied the petitioner's allegation that there were no Scheduled Tribe people available in Nerada Village. She also justified the reservation of the vacancy at Nerada Village for Scheduled Tribes. She concluded by stating that owing to the *status quo* order passed by this Court, the post of Anganwadi Worker at Nerada Village was not filled up, whereby implementation of welfare programmes like Supplementary Nutrition Programme were being hampered.

Though this vacate stay petition was filed as long back as in the year 2011, no reply affidavit was filed by the petitioner rebutting the averments made therein.

In the light of the aforesaid facts, it is clear that the writ petition was filed on the unsubstantiated perception of the petitioner that no Scheduled Tribe person was living in Nerada Village. In any event, even if the petitioner's perception in this regard was correct, it would have only meant that the notification issued by the State for filling up the vacancy of Anganwadi Worker at Nerada Village under this reservation category would have proved futile. Thereafter, the State would have taken necessary steps for filling up the post in accordance with law. By filing this writ petition, the petitioner has effectively stalled the entire process. As the State has categorically averred in the counter-affidavit that Nerada Village comprises two hamlets, Bangya Thanda and Bhadru Thanda, and that the people living in these two hamlets belong to Scheduled

Tribes, the contention of the petitioner that no Scheduled Tribe candidate would be available in the village is shown to be without basis.

The writ petition is therefore devoid of merit and is accordingly dismissed. Interim order dated 30.10.2007 shall stand vacated. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

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**SANJAY KUMAR, J**

**16<sup>th</sup> JULY, 2015**

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