

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.2343 of 2009

Dated 14th July, 2015

Between:

Mugi Kanthamma

...Petitioner

And

Government of Andhra Pradesh, Women Development Child Welfare
Department, Secretariat Buildings, Hyderabad, rep.by its Secretary
and others

...Respondents

Counsel for the petitioner: Sri K.Bheema Rao

**Counsel for respondent Nos.1 to 3: AGP for Women Development
&**

Child Welfare

Counsel for respondent No.4: Sri Umasankar Lokanadham

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent Nos.1 to 3 in appointing respondent No.4 as Anganwadi worker of Umilada Unit, Santabommali Mandal, Srikakulam District as illegal and arbitrary.

At the hearing, Sri K.Bheema Rao, learned counsel for the petitioner, submitted that as per the notification, dated 27.09.2007, issued for appointment of Anganwadi worker, the applicant and her husband shall be native of the Village even before notification of the post. That though respondent No.4 was originally a native of Umilada Village, she was married to a person who was the native of Orissa and that after her husband's death, respondent No.4 has come back to her

original native village. He has, therefore, submitted that in strict sense, respondent No.4 is not eligible for being appointed as Anganwadi worker of Umlada Village.

Clauses-2 and 3 of the Terms and Conditions of the notification read as under:

“2. The husband of the applicant shall be native of the village where the post is applied for.

3. The applicant and her husband shall be native of the village even before the date of notification of the post.”

It is true that as per the above-mentioned conditions, both the husband and the applicant must belong to the Village for which the post is sought to be filled up. However, the Terms and Conditions do not envisage a situation where a woman was married, but she later becomes a widow, returns to her original native Village and settles down there. In the absence of any prohibition of consideration and appointment of such persons, they cannot be disqualified merely because their husbands do not belong to the Village in respect of which the post is sought to be filled up.

In my opinion, the Terms and Conditions have to be construed in a rational and reasonable manner instead of in a rigid and pedantic manner. The object behind providing nativity as a qualification is to ensure that the persons who are appointed as Anganwadi workers regularly attend to their duties. Admittedly, respondent No.4 has returned to her native Village and settled down, after she has lost her husband. On these facts and circumstances of the case, I do not find any illegality in the appointment of respondent No.4 as Anganwadi worker.

For the above-mentioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WP.M.P.No.2979 of 2009 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

14th July, 2015

VGB