

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

FRIDAY, THE FIFTH DAY OF FEBRUARY TWO THOUSAND
AND SIXTEEN

-
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.36522 of 2015

Between:

Smt. Komma Mythili,
W/o. Komma Venkatesh,
Aged 27 years, Occ: House wife,
R/o. Bojjavaripalli Village,
Raghavarajapuram Post,
Rly. Kodur Mandal,
Cuddapah District.

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Woman and Child Welfare Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

-
-
-
-
-
-
-
-
-
-
-
-

-
-

-

-

-

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36522 of 2015

-

ORDER:

Notification, dated 06.10.2015, was issued calling for applications to fill up the posts of Anganwadi Workers including the Anganwadi Centre in Bojjavaripalli Village (Serial No.13.2 of the notification). The recruitment qualifications prescribed are a person should be a native of the village where the Centre is located and should be a married woman and aged 21 years. The petitioner, having satisfied the said requirement, submitted her application enclosing all the relevant documents in support of the eligibility criteria. With reference to the nativity of the village, the petitioner enclosed the Residence Certificate issued by the Tahsildar, Kodur Mandal, dated 27.06.2015. The certificate discloses that the petitioner is residing in D.No.13/148, Bojjavaripalli Village, Kodur Mandal, Y.S.R. Kadapa District. In support of the claim of the petitioner that she is residing in the said address, the petitioner also filed additional material papers i.e., Aadhaar Card, Voter ID Card and the Driving Licence issued in favour of the husband, etc., which are enclosed to the writ petition. The petitioner is not called for the interviews held between 04.11.2015 and 07.11.2015. Alleging that the petitioner is illegally ignored for consideration, even though the petitioner is a native, this writ petition is filed.

2. The Court is informed that in pursuant to the interim orders of this Court, dated 09.11.2015, no further selection is taken up.

3. Learned counsel for the petitioner contends that the petitioner is a resident of Bojjavaripalli Village. Her parents live in Ankamma Nagar, Railway Kodur Mandal. Being its parental home, ordinarily a pregnant woman stays in the parents home and to attend to the treatment of the children, the petitioner registered with the Anganwadi Centre located in Ankamma Nagar and has taken the facilities provided in the Centre to her and her infant children. After marriage, petitioner is living in Bojjavaripalli Village. Her in-laws as well as husband live in the said village. Therefore, the action of the respondents in not considering the claim of the petitioner on the ground that she is not a resident of the village is erroneous. Learned counsel submits that a false complaint is generated in the name of Sarpanch as if Sarpanch allege that the petitioner is not residing in the village. When contacted, the Sarpanch gave an affidavit, dated 25.11.2015, stating that he never made such a complaint and false complaint is generated in his name.

4. Learned Assistant Government Pleader submits that though the petitioner's residential proof documents discloses that the petitioner is a resident of Bojjavaripalli Village, but the fact that the petitioner has enrolled with the Anganwadi Centre of Ankamma Nagar in the year 2012 and continue to avail the benefits from the said Centre from 2012 to September, 2015, to herself and her children would disclose that the petitioner is living in Ankamma Nagar of Railway Kodur Village and, therefore, not a resident of Bojjavaripalli Village and thus, not entitled to be considered for appointment in Anganwadi Centre of Bojjavaripalli Village. Learned Assistant Government Pleader submits that the Sarpanch has given a complaint which necessitated enquiry into the matter and the enquiry revealed the above facts.

5. It appears that the basis for treating the petitioner as not a

resident of Bojjavaripalli Village is the complaint generated in the name of the Sarpanch. In view of the subsequent affidavit filed by the Sarpanch, dated 25.11.2015, stating that he did not give such complaint and it is a false complaint generated in his name, no credence can be given to such complaint.

6. Page No.57 along with the vacate petition, the respondent enclosed enquiry report, dated 03.11.2015. In this enquiry report, the reasons for the petitioner availing the benefits from Anganwadi Centre at Ankamma Nagar are noted and the statement made by the petitioner that she is a resident of Bojjavaripalli Village and that she availed the benefits because parents live in Ankamma Nagar of Railway Kodur Mandal are accepted and report was filed accordingly.

7. It is not uncommon that a woman stays with the parents at the time of conceiving the child. Prior to and after the delivery of child, the woman stays with the parents. It is but natural that during that period the woman takes treatment nearer to the residence of the parents. Therefore, the petitioner taking the treatment from Anganwadi Centre to herself as well as the children born to her during the relevant period cannot *per se* be treated as if the petitioner has shifted her residence and is living in Ankamma Nagar, Railway Kodur Mnadal. It is not in dispute that the in-laws of the petitioner as well as the husband of the petitioner continue to live in Bojjavaripalli Village. There is no other material filed to show that the petitioner is not residing in Bojjavaripalli Village, but residing in Ankamma Nagar of Railway Kodur Mandal, to disqualify her from being considered for selection to the post of Anganwadi Worker in Bojjavaripalli Village Anganwadi Centre. The enquiry report supports the stand of the petitioner. Thus, the action of the respondents in not considering the petitioner for selection is illegal.

8. Accordingly, the Writ Petition is allowed. The

respondents are directed to subject the petitioner also to selection process to the post of Anganwadi Centre of Bojjavaripalli Village in pursuant to the recruitment notification, dated 06.10.2015, and to finalize the selections. The entire exercise shall be completed within a period of four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

Date: 5th February, 2016

KL



HON’BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-

-
-
-
-
-
-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION No.36522 of 2015

-

Date: 5th February, 2016

KL