

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.7798 OF 2010

Date: 31.10.2017

Between:

Gandi Satyavathi, W/o Pappala Satyanarayana,
Aged about 28 years, Occu: Anganwadi Worker,
R/o Vennelapalem, H/o. Y.D.Peta (Marrepalem),
Nathavaram Mandal, Visakhapatnam district.

.....Petitioner

and

The Government of Andhra Pradesh, rep.by its
Principal Secretary, Women Development, Child
Welfare & Disabled Welfare (ICDS), Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

On 13.02.2009, notification was issued calling for application to fill up the post of Anganwadi Workers in various Anganwadi Centers and one of the centers notified was Y.D.Peta-III. The selection criteria requires candidate should have completed 21 years of age and below 31 years; should be local married woman; passed 10th class. Petitioner responded to the said notification. In support of her claim of local candidate, petitioner submitted resident/nativity certificate issued by the Tahsildar of Nathavaram mandal. Based on the said certificate, petitioner was selected and appointed as Anganwadi Worker. Other candidate, Smt. B.Jala, who was also empanelled, complained against the petitioner's appointment and contended that petitioner is not resident of Y.D.Peta-III village and false certificates were submitted. Smt. B.Jala, who was resident of Vennelapalem village, filed W.P.No.5691 of 2009 alleging inaction on the complaint filed against selection of petitioner. Said writ petition was disposed of, granting liberty to the petitioner therein to make a representation before the District Collector and if such representation was made, further direction was issued to the District Collector to dispose of the same within three months.

2. In pursuant to the directions of this Court, the claim of rival candidate and petitioner with reference to the nativity issue of petitioner was considered. The District Collector examined the certificate produced by the petitioner claiming nativity of petitioner as belonging to Vennelapalem of Y.D.Peta Panchayat and other

documents placed on record. According to the order of the District Collector, impugned in this writ petition, as per the report of Tahsildar, Kotananduru, the nativity certificate and certificate that her daughter was born in this village were obtained after notification was issued, whereas certificates issued much earlier in her favour disclosed that petitioner was resident of Appalarajupeta H/o. Surapurajupeta village of Kotananduru Mandal. Based on the material on record, the District Collector, therefore, held that petitioner submitted false documents to claim nativity of Vennelapalem village to gain employment as Anganwadi Worker and accordingly, selection of petitioner was cancelled, declared the post of Anganwadi Worker in Y.D.Peta-III as vacant and directed assignment of incharge arrangements.

3. This Court, by order, dated 08.04.2010 made in W.P.M.P.No.10019 of 2010, directed continuation of petitioner, if she was in service by that date.

4. In the counter-affidavit, deposited by Smt. Chavala Kameswaramma, it was categorically asserted that consequent to the orders of the District Collector, petitioner was relieved of her charge on 30.03.2010 and handed over the charge to Smt. B.Padma, who was Anganwadi Worker of K.Mallavaram, as incharge to the post of Anganwadi Worker of Y.D.Peta-III, in addition to her assignment of K.Mallavaram Anganwadi Center. Latest instructions furnished to the learned Government Pleader also indicate that same person was continuing as incharge.

5. These facts disclosed that petitioner is not working as Anganwadi Worker for the last seven years.

6. One of the requirements for empanelment as Anganwadi Worker is, a person must be resident of that village. Material on record, as assessed by the District Collector, would show that certificate claiming as native of Y.D.Peta was obtained after notification was issued, whereas enquiries revealed that she was actually resident of Appalarajupeta, which is H/o Surapurajupeta and, therefore, without disclosing true and correct facts, obtaining resident certificate from Nathavaram Tahsildar, employment was secured.

7. Petitioner sought to counter the stand of the respondents by contending that wrong surname of her husband is mentioned and documents filed by her would substantiate that she is resident of Vennelapalem village.

8. The District Collector, on consideration of material on record, came to conclusion that petitioner was not resident of Vennelapalem and, therefore, was not entitled to claim employment in Y.D.Peta-III Anganwadi Center. Such finding cannot be held as perverse nor motive was attributed to the District Collector to arrive at such decision. Though vaguely it is asserted that at the instance of local politicians and at the instance of rival candidate, action was initiated, but no *mala fides* were attributed against any of these authorities, except making a vague statement.

9. Having regard to the above findings and that petitioner has not been working as Anganwadi Worker for more than seven years, relief as sought for in this writ petition cannot be granted. Accordingly, writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. Interim direction granted on 08.04.2010 shall stand vacated. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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