

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

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**WRIT PETITION NO.8267 of 2010**

Between:

Smt P.Narasamma W/o. N.Lingamurthy, Aged 32 years,  
Occu: Housewife, un-employee, R/o. Uppaguntapalli  
Village, Mydukur Mandal, Cuddapah district.

.....Petitioner

And

The Government of A.P., Irrigation & Command Area  
Development (Project Wing) Department, rep.by its  
Principal Secretary, Secretariat, Hyderabad and  
others.

.....Respondents

DATE OF JUDGMENT PRONOUNCED : 07.11.2017

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

1. Whether Reporters of Local Newspapers : No  
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : **Yes**  
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : No  
see the fair copy of the Judgment ?

**\*THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

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# Smt P.Narasamma W/o. N.Lingamurthy, Aged 32 years,  
Occu: Housewife, un-employee, R/o. Uppaguntapalli  
Village, Mydukur Mandal, Cuddapah district.

... Petitioner

Vs.

\$ The Government of A.P., Irrigation & Command Area  
Development (Project Wing) Department, rep.by its  
Principal Secretary, Secretariat, Hyderabad and  
others.

.... Respondents

!Counsel for the petitioner : Sri Nagaraju Naguru

Counsel for the Respondents : Government Pleader for  
Irrigation & Command Area (AP)  
for respondents

<Gist :

>Head Note:

? Cases referred:



**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.8267 OF 2010**

**ORDER:**

Six villages in B.Mattam Mandal were acquired by the Government for construction of Sri Potuluri Veera Brahmendra Swamy Reservoir (SPVBR) under Telugu Ganga Project. The land and house belonging to the petitioner's family in Z.Kothapalli village were acquired for construction of the said reservoir. Petitioner submitted his application dated 09.09.1987 to provide employment under the scheme formulated by the Government to the project displaced persons. Petitioner's claim was considered and empanelled in the list drawn up in the year 2010 and out of list of 210 displaced persons identified, petitioner name stood at Serial No.161. While petitioner was waiting for employment, it appears list of eligible persons was revised, where under name of the petitioner was not included. Aggrieved by deletion of her name from the list of eligible persons on the ground that petitioner got married and left the village, this writ petition is filed.

2. The reason for not considering the petitioner for providing employment under the scheme formulated by the Government was on the ground that petitioner subsequently got married and not living in the village.

3. Heard learned counsel for petitioner and learned Government Pleader for respondents.

4. According to learned counsel for petitioner, once petitioner was already identified as eligible to seek employment and included

in the list of eligible persons for provision of employment, it is illegal and amounts to arbitrary exercise of power in deleting her name only on the ground that subsequently she got married. Learned counsel further contends that the entire village is submerged in the reservoir and, therefore, no one is living in the village. On account of displacement, petitioner is living elsewhere and same does not amount to not living in the village as sought to be contended by the respondents.

5. Government formulated scheme to provide employment to the displaced persons for the purpose of construction of irrigation projects and the scheme was notified in G.O.Ms.No.98 Irrigation (Projects Wing) Department, dated 15.04.1986. Consequent to the notification of 'The Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of Staff Pattern And Pay Structure) Act, 1994' (for short 'Act 2 of 1994') which regulates recruitment to public employment, to bring the employment under the scheme in tune with the mandate of the Act, Government constituted a selection committee at the district level in accordance with Section 4 (1) (b) of the Act 2 of 1994.

6. Paragraph-4 of the G.O. stipulates requirements for consideration under the scheme. The principal conditions required to be fulfilled are, (i) maximum number of vacancies that can be filled up are 50% in the categories of Junior Assistants/Typists and below arising in Major and Medium Irrigation & Power Projects and by observing the principle of reservations to various social groups; (ii) a person seeking employment should be displaced persons or his/her son, daughter or spouse, there being no other

earning member in the family; (iii) such applications should be made within a period of one year from the date of actual displacement of the family; and (iv) preference should be given to the persons, who are displaced from their houses as well as lands.

7. On finding the petitioner suitable, her name was included in the list of eligible persons drawn up in the year 2010 and she was shown against serial no.161. There may be valid reasons for undertaking review of the list already drawn, on the allegation of some false claims made, but in the guise of deleting names of persons making false claims, respondents could not have deleted the name of petitioner, as is now evident from the counter-affidavit on the ground that she was married and, therefore, not entitled to employment. Bare perusal of conditions stipulated in the G.O.Ms.No.98, it is clear that no prohibition is imposed to deny employment under the scheme on the ground that applicant/ lady member of the family is married. When no such exception is carved out in the said G.O., no woman can be ignored to provide employment on the ground that she was married, more so after her name was included in the eligibility list. Such action is *ex facie* illegal. It amounts to discrimination on the ground of marital status of a woman and the same is unconstitutional. Thus, the premise, on which name of petitioner was excluded from the list of eligible candidates is liable to be declared as *ex facie* illegal and unconstitutional. Thus, writ petition is allowed.

8. Respondents are directed to consider the claim of petitioner to provide a post to which she is eligible in accordance with the scheme as per the empanelment granted to her in the year 2010.

Subject to the availability of posts, such consideration shall be extended as expeditiously as possible and within a period of two months from the date of receipt of copy of this order. If employment cannot be provided immediately, petitioner shall be informed about the time within which employment can be provided, subject of course to seniority in the empanelment.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Date: 07.11.2017  
kkm

**JUSTICE P.NAVEEN RAO**



**HON'BLE SRI JUSTICE P.NAVEEN RAO**



**WRIT PETITION NO.8267 OF 2010**

**Date: 07.11.2017**

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