

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.11603 of 2013

ORDER

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of respondent No.3 in rejecting the petitioner's application for Anganwadi worker post on 09.04.2013 on the ground that the petitioner is a non-local candidate for Bollamcheruvu village as arbitrary, illegal and violative of the Articles 14, 16 & 21 of the Constitution of India and consequently set aside said rejection proceedings issued on 09.04.2013 and direct the respondents to consider the petitioner's candidature for Anganwadi worker post under general category of Bollamcheruvu village, Kodimyal Mandal, Karimnagar District.

2. Heard Sri Chandraiah Sunkara, learned counsel for the petitioner, and the learned Government Pleader for Women and Child Welfare Department.

3. Learned counsel for the petitioner submits that the petitioner is fully eligible and qualified to be appointed as Anganwadi worker and the respondents have issued the notification on 15.01.2013 to fill up the post of Anganwadi worker at Bollamcheruvu village, and further submits that as the petitioner was fully eligible and qualified she responded to said notification, but the respondents have rejected the case of petitioner vide orders dated 09.04.2013 on the ground that the

petitioner is not a permanent resident of Bollamcheruvu village. Challenging the same, the present Writ Petition is filed.

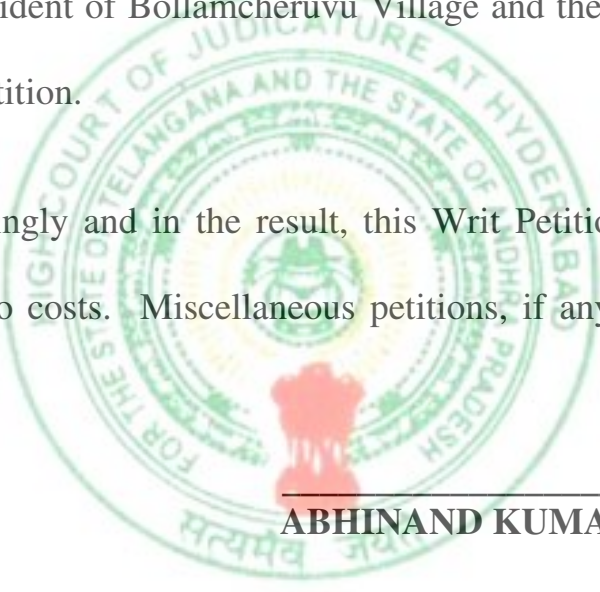
4. Learned counsel for the petitioner now contends that as per Article 16 of the Constitution of India no person can be discriminated either on the ground of nativity, sex, religion and the action of respondents in giving preference to local native residents is arbitrary, illegal and violative of Article 16 of the Constitution of India. Learned counsel further contends that Kodimyal Gram Panchayat consists of four villages viz., Bollamcheruvu village, Chintapalli village, Kondapur village and Kodimyal village and that the petitioner is resident of Kondapur village which is forming part of Kodimyal Mandal and her case also should be considered for appointment and further contended that the action of respondents in rejecting the case of petitioner is arbitrary, illegal and violative of the Articles 14 & 16 of the Constitution of India.

5. Learned Government Pleader appearing for the respondents contended that the notification very clearly spelt out that one should be the resident of Bollamcheruvu village and one must be a native married woman of the village, and since the petitioner is not a native of Bollamcheruvu village, her case was rightly rejected. Learned Government Pleader further contended that for the post of Anganwadi worker a local married woman would be ideally suited to discharge her duties because the local married woman will be familiar with the local circumstances and she will be in a better position to explain to

the villagers about the benefits of various welfare measures and in view of the peculiar functions and responsibilities of Anganwadi workers, preference has to be given to local married woman and there is no illegality in giving preference to the local candidates and in view of the same, this Writ Petition is liable to be dismissed.

6. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the respondents have rightly rejected the case of petitioner as she is not permanent resident of Bollamcheruvu Village and there are no merits in the Writ Petition.

Accordingly and in the result, this Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.



ABHINAND KUMAR SHAVILI, J

20.11.2018
MVA