

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19099 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the official respondents in appointing the 3rd respondent through proceedings of the 1st respondent dated 29.1.2007 as Anganwadi Worker of Gadekal Village, Vajrakarur Mandal, Ananthapur District, as illegal and arbitrary, and consequently, to direct the official respondents to appoint the petitioner as Anganwadi Worker of Gadekal village, Vajrakarur Mandal, Ananthapur District.

2. Heard Sri P. Sainath, learned Counsel for the petitioner and the learned Government Pleader for Women Development and Child Welfare.

3. It has been submitted by the petitioner that respondents Nos.1 and 2 issued notification dated 16.2.2006 inviting applications for the post of Anganwadi workers, and since she is the permanent resident of Gadekal village and she has got requisite qualifications, she responded to the said notification and that the 3rd respondent also responded to the said notification even though she is not a permanent resident of Gadekal Village but she happens to be the daughter of the family residing in Gadekal village. It has been further submitted

by the petitioner that the 3rd respondent was married to a person, who is not local candidate of Gadikal village and in spite of the same, the official respondents considered the case of the 3rd respondent and appointed her as Anganwadi worker ignoring the case of the petitioner.

4. The learned Government Pleader contended that the 3rd respondent's husband deserted her and she is living with her parents at Gadikal and in view of the same, the 3rd respondent was treated as a resident of Gadikal and she was appointed and that the respondents have not committed any illegality and therefore, the writ petition is liable to be dismissed.

5. The learned Counsel for the petitioner contended that as per the notification, if any woman obtained divorce and is living separately from her husband, she should produce the document to that effect and to demonstrate that she is the permanent resident of that village to consider her case. He further contended that the 3rd respondent has not produced any documentary evidence to show that she was deserted by her husband and she has been residing with her parents in Gadikal village, and therefore, the appointment of the 3rd respondent is liable to be set aside.

6. Having considered the rival submissions made by the parties, this Court is of the view that the contention raised by

the learned Counsel for the petitioner is valid. Therefore, the official respondents are directed to verify the records and the certificates, if any produced or to be produced by the 3rd respondent to the effect that she is living separately from her husband because of desertion, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. On such verification, if it is found that the 3rd respondent is not living separately from her husband because of desertion, respondents Nos.1 and 2 are directed to recall the proceedings dated 29.1.2007. In the event, the 3rd respondent's appointment is revoked, the case of the petitioner shall be considered for the said vacancy in accordance with law.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 26.9.2018.
nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19099 OF 2007



26/09/2018

Nn.