

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4461 of 2008

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in not appointing the petitioner as Anganwadi worker, even though, she is fully eligible for appointment in accordance with Rules, as illegal, arbitrary. A consequential direction is sought to appoint the petitioner as Anganwadi worker to Alurupadu main village as per her eligibility.

Heard Sri Ch.Hrudaya Raju, learned counsel for the petitioner and the learned Assistant Government Pleader for Women Development and Child Welfare.

It has been contended by the petitioner that she is a member belonging to SC community and studied upto SSC. She is a permanent resident of Alurupadu main village, as her husband belongs to Alurupadu village. It has been further contended by the petitioner that she is fully eligible and qualified for appointment of Anganwadi worker and she has got experience in participating in various Government programmes like community training in HIV/AIDS programmes and worked as an Instructor in ASE Alurupadu School and participated in several village development programmes. It has been further contended by the petitioner that the respondents have issued a notification during July,

2007 for the post of Angnawadi worker and in pursuance to the said notification, the petitioner has submitted her application. Two applications were received by the respondents in respect of Alurupadu main village from the petitioner and another by M.Seenamma. It has been further contended by the petitioner that the case of the petitioner was not considered on the ground that she is not a permanent resident of Alurupadu main village and another ground that M.Seenamma who participated along with the petitioner was already selected in Alurupadu village in a different Anganwadi Centre and the post where the petitioner has applied is still lying vacant.

Learned Assistant Government Pleader appearing for the respondents has contended that since M.Seenamma was residing in the said village, three months prior to the issuance of notification, that is the reason why, her case was considered and she was appointed as Anganwadi worker. Since the petitioner was not a permanent resident of Alurupadu main village, the case of the petitioner was not considered and that the respondents have rightly rejected the case of the petitioner.

This Court, having considered the rival submissions made by both the parties, is of the considered view that since the petitioner is married to a permanent resident of Alurupadu main village, she automatically becomes the

permanent resident of Alurupadu main village and since the respondents have not filled up the post which was advertised and the same is lying vacant, no prejudice will be caused, if the case of the petitioner is considered for appointment to the post of Anganwadi worker, if otherwise, all other eligible criteria is fulfilled in accordance with law. The respondents are directed to consider the case of the petitioner for appointment of Anganwadi worker, in view of the above observations, within a period of four (04) weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 18.09.2018
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ABHINAND KUMAR SHAVILI,J