

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.14938 of 2009
and
M.P.Nos. 1 & 2 of 2009

PREMA

.. Petitioner

Vs.

1 THE DISTRICT COLLECTOR
KRISHNAGIRI DISTRICT.

2 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE AND NUTRITIOUS MEAL
PROGRAMME DEPARTMENT FORT ST. GEORGE
CHENNAI-9.

3 THE BLOCK DEVELOPMENT OFFICER
SOOLAGIRI PANCHAYAT HOSUR TALUK DHARMAPURI
DT.

4 TMT.SATHIYALAKSHMI Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in R.C.No.Na.Ka.No.1088/2007/A1 dated 20.6.2009 and quash the same as null and void and illegal consequentially direct the respondents 1 to 3 to appoint the petitioner Mrs. Prema as Anganwadi Helper to the Konneripalli Anganwadi Centre Krishnagiri District.

For Petitioner : Mr. V.R.Annagandhi
For R1 to R3 : Mr. P.Sanjay Gandhi

O R D E R

The prayer in the writ petition is for a writ of certiorarified mandamus calling for the records of the 1st respondent in R.C.No.Na.Ka.No.1088/2007/A1 dated 20.6.2009 and quash the same as null and void and illegal and consequentially, direct the respondents 1 to 3 to appoint the

petitioner Mrs. Prema as Anganwadi Helper to the Konneripalli Anganwadi Centre Krishnagiri District.

2. The petitioner has come out with the present writ petition challenging the order of the first respondent dated 20.6.2009 by which the first respondent had appointed the fourth respondent as Anganwadi Helper to Konneripalli Angawadi Centre, Krishnagiri District.

3. The petitioner's case is that she belongs to the same village. She is a widow. She has passed SSLC and if at all any post to be filled up for Anganwadi helper on the same village, preference should have been given to the petitioner. In spite of these factors, the petitioner was not considered for appointment to the said post and ultimately, the fourth respondent was appointed. The residence of the fourth respondent is at Kamanthotti village which is 2 kms away from the Konneripalli Angawadi Centre where the appointment was made. Therefore, challenging the same, the petitioner has come out with the present writ petition.

4. Heard both sides.

5. Though the petitioner claimed that she is a widow and has passed SSLC and also being a local resident of the Centre for which appointment was made, the learned Government Pleader by relying upon paragraphs 4 and 5 of the counter affidavit filed by the first respondent has contended that the petitioner had not at all applied for the said post. Paragraphs 4 and 5 of the counter would disclose this factor which are reproduced hereunder:

"4. With regard to para 3 to 5 of the affidavit, it is submitted that applications were invited for appointment to the post of Anganwadi Helper in Anganwadi Centre located at Koneripalli. Totally--- persons including Tmt.Sathiyalakshmi, the 4th respondent herein applied for the said post. An interview was held on 2-1-2009 in which the 4th respondent and other applicants had participated. It is pertinent to submit that Tmt. Prema, the petitioner herein has not made any application for the said post. During interview, Tmt.Sathiyalakshmi, the 4th respondent herein answered all the questions asked to her and it was found that the 4th respondent is age-wise senior and has good knowledge about the scheme and she is residing in local area. Hence, she was

selected for the post of Anganwadi Helper at Koneripalli Centre.

5. It is submitted that though the petitioner resides in the locality, she has not applied for the said post. When the petitioner failed to apply for the said post, the question of considering her name does not arise. It is submitted that the 4th respondent was selected for the said post only after following the guidelines issued by the Government and there is no violation in any quarter."

6. In view of the said factors, since the petitioner has not at all applied to the said post as ascertained by the first respondent in their counter as referred to above, the question of considering her candidature for the said post could not arise. Therefore, in that view of the matter, this Court is not inclined to interfere with the impugned order. Therefore, the writ petition fails and accordingly, is dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

kua

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 THE DISTRICT COLLECTOR
KRISHNAGIRI DISTRICT.
- 2 THE SECRETARY TO GOVERNMENT
SOCIAL WELFARE AND NUTRITIOUS MEAL
PROGRAMME DEPARTMENT FORT ST. GEORGE
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+ 1 cc to The Govt.Pleader, Sr 70488

KR/28/12

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