



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD).No.643 of 2016
and
C.M.P. (MD).No.4237 of 2016

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Child Welfare Officer,
Radhapuram Taluk,
Tirunelveli District. ... Appellants

Vs.

1. K.Vasanth
2. Anthonisakaya Santhi ... Respondents

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent against the order dated 22.02.2012 made in W.P.(MD).No.5871 of 2010.

Prayer in WP(MD). 5871/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records pertaining to the impugned order dated 26.03.2010 in SEMU.NA.KA.No. 4125/21/09 passed by the 1st respondent quash the same and consequently direct the 1st respondent to appoint the petitioner in the place of 3rd respondent.

For Appellants : Mr.C.Selvaraj
Special Government Pleader

JUDGMENT

(Judgement of the Court was made by **S.MANIKUMAR, J.**)

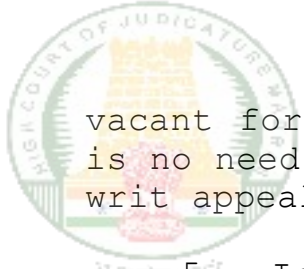
Challenge in this appeal is to an order made in W.P.(MD). No.5871 of 2010 dated 22.02.2012, for which, the Writ Court directed the 1st respondent to be accommodated in the resultant vacant post to Anganwadi Assistant at Kumarapuram.



2. Facts in nutshell are that on 26.03.2010, the District Collector, Tirunelveli District, Tirunelveli, had appointed one Mrs.Anthonisakaya Santhi as Anganwadi Assistant at Kumarapuram. The said appointment was challenged in W.P.(MD).No.5871 of 2010 and the first respondent/writ petitioner had sought for a Writ of Certiorarified Mandamus to quash the same and consequently, prayed for a direction to the District Collector, Tirunelveli District, Tirunelveli to appoint her. In the Writ Court, counter affidavit has been filed, wherein it has been contended that Mrs.Anthonisakaya Santhi / respondent No.3 therein stood first in interview and thus, she was selected. However, during the course of hearing, it has been brought to the notice of the Writ Court that Mrs.Anthonisakaya Santhi / respondent No.3 therein had been transferred and thereafter, working at Vazhaithottam. Consequent to the transfer, the post of Anganwadi Assistant at Kumarapuram had fallen vacant. It has also been brought to the notice of the Writ Court that the first respondent stood second in the interview, conducted on 16.02.2010. The learned counsel for the first respondent had requested the Court to accommodate the respondent as Anganwadi Assistant at Kumarapuram. Taking note of the above submissions, the Writ Court, vide order dated 22.02.2012 in W.P.(MD).No.5871 of 2010, has directed the District Collector, Tirunelveli, Tirunelveli District, to consider appointing the first respondent as Anganwadi Assistant at Kumarapuram in the resultant vacancy. The Writ Court has also made clear that the appointment of a Mrs.Anthonisakaya Santhi / respondent No.3 therein need not be disturbed.

3. Though Mr.C.Selvaraj, learned Special Government Pleader assailed the correctness of the aforesaid order, on the grounds that the Writ Court, failed to appreciate that as per the procedure followed, a fresh interview of all the candidates, has to be conducted for filling up the resultant vacancy, this Court is not inclined to accept the same for the reason that no materials have been placed before this Court to substantiate the said submission and on the facts and circumstances of the case, it could be deduced that the respondent No.1 stood second in the interview conducted for filling up the post of Anganwadi Assistant at Kumarapuram.

4. The post of Anganwadi Assistant, in Anganwadi Centre is only to assist the main Anganwadi worker. It is also to be noticed that it is just a manual work and that no further interview is required to assess the inter-se merit of all the candidates for filling up the posts, who had applied for the said post. The fact that the first respondent stood second in the interview conducted on 16.02.2010, has not been disputed in the memorandum of grounds. Added to the directions to accommodate the first respondent, have been issued on 22.02.2012 in W.P.(MD).No.5871 of 2010 and at this juncture, it is too late in the day, to keep such a post



vacant for the years to come. In such view of the matter, there is no need to conduct a fresh interview. There is no merit in the writ appeal and the same is liable to be dismissed.

5. In the result, the Writ Appeal is dismissed. The respondents are directed to implement the order of the writ Court, if not done, as expeditiously as possible, within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

akv

To,

1. The District Collector, Tirunelveli District,
Tirunelveli.
2. The Child Welfare Officer, Radhapuram Taluk,
Tirunelveli District.

+1CC to Spl. Government Pleader Sr.No.25782

GJM/SKS/SAR-II-1.6.16-3p-4c

**Writ Appeal (MD) .No.643 of 2016
29.04.2016**