

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26586 of 2017 and
WMP.No.28301 of 2017

D.Shobana .. Petitioner

-vs-

1. The State of Tamilnadu rep. by
the Secretary, Social Welfare and Nutritious
Meal Programme Department,
Fort St. George, Chennai

2. The District Collector,
Cuddalore District, Cuddalore

3. Officer,
Integrated Child Development
Kodaikkal Nagar,
B.Mutlur, Bhuvanagiri Tk,
Cuddalore District

4. Girija .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus directing the
respondents to permit the petitioner to continue to work as per
the appointment order Se.Mu.Na.Ka.No.1607/A1/2017 dated
19.09.2017 issued by the 2nd respondent pursuant to the
petitioner's representation dated 03.10.2017.

For Petitioner :: Ms.R.Meenal

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1 to R3
Mr.G.Sankaran for Mr.P.Nethaji for R4

O R D E R

The Writ Petition has been filed by the petitioner for
issuance of a Writ of Mandamus directing the respondents to
permit the petitioner to continue to work as per the appointment
order Se.Mu.Na.Ka.No.1607/A1/2017 dated 19.09.2017 issued by the

2nd respondent pursuant to the petitioner's representation dated 03.10.2014.

2. Heard the learned counsel for the petitioner.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that since the Circular dated 17.08.2017 containing Communal roster issued by the Integrated Child Development, Cuddalore District, clearly shows that the post of Anganwadi worker in Parangipettai Anganwadi Centre at C.Pudupettai, Sunami Nagar is reserved for SC Arunthathiyar, the petitioner, who belongs to SC Category alone was inadvertently considered and order of appointment has been issued as though she belongs to SC Arunthathiyar. Subsequently, 4th respondent made a representation that she should be considered, as she belongs to SC Arunthathiyar. He would also submit that while considering the representation of the 4th respondent, the 2nd respondent, District Collector, Cuddalore realising the inadvertent mistake by issuing appointment order to the petitioner, who should not have been appointed, as it was reserved for SC Arunthathiyar, rightly not permitted the petitioner to join the duty. In the meanwhile, the petitioner came to this Court stating that after appointing the petitioner, as Anganwadi Worker in Parangipettai, C.Pudupettai, Sunami Nagar, she was not permitted to join the duty, without even disclosing the fact that the said post was earmarked for SC Arunthathiyar. Since this Court permitted the petitioner to continue in the said post till 30.10.2017, the respondents are not able to proceed further in this matter. Hence pleaded to vacate the order passed by this Court on 13.10.2017.

4. A perusal of the Circular dated 17.08.2017 containing Communal roster issued by the Integrated Child Development, Cuddalore District, clearly shows that post of Anganwadi worker at Parangipettai Anganwadi centre situated at C.Pudupettai, Sunami Nagar is reserved for SC Arunthathiyar. Admittedly, the petitioner does not belong to SC Arunthathiyar, but she is a candidate belonging to SC Category and that she was wrongly appointed. Immediately, thereafter, when the 4th respondent made a representation on 20.09.2017 indicating that Parangipettai Anganwadi centre at C.Pudupettai Sunami nagar, should be filled up only by a candidate belonging to SC Arunthathiyar, the 2nd respondent, District Collector, Cuddalore while considering the representation of the 4th respondent, advised the petitioner not to join in the said post. Since this Court has passed an order permitting the petitioner to continue in the said post till 31.10.2017, the representation made by the 4th respondent could not be disposed of.

5. Considering the entire facts and circumstances of the

case, the order passed by this Court on 13.10.2017, permitting the petitioner to continue in the post of Anganwadi worker / Assistant at Parangipettai Anganwadi Centre at C.Pudupettai, Sunami Nagar, shall stand vacated and it is open to the 2nd respondent / District Collector, Cuddalore to consider the representation of the 4th respondent and pass appropriate orders on merits and in accordance with law. It is made clear that the petitioner cannot compete for the post, which is earmarked for the SC Arunthathiyar.

Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

ssd

To

1. The Secretary, Social Welfare and Nutritious Meal Programme Department, The State of Tamilnadu Fort St. George, Chennai
2. The District Collector, Cuddalore District, Cuddalore
3. Officer, Integrated Child Development Kodaikkal Nagar, B.Mutlur, Bhuvanagiri Tk, Cuddalore District

+1cc to Mr.P.Nethaji, Advocate SR.No.84002

+1cc to Mr.R.Meenal, Advocate SR.No.84042

W.P.No.26586 of 2017 and
WMP.No.28301 of 2017

GN(11/12/2017)