

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 24076 of 2013
and
M.P. Nos. 1 & 2 of 2013

N. Arulmozhi ..Petitioner

Vs.

1. The District Collector
Dharmapuri.
2. The Project Officer
Child Development Project
Pennagaram.
3. Smt. Tamilarasi
D/o. Rajagopal
Emanur West
Nakamarai Post
Pennagaram Taluk
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the orders in No.Se.Mu.Na.Ka. No. 606 A/ 2012 dated -/8/2012 (signed on 22.8.2012) on the file of the first respondent, quash the same and to direct the first respondent to select and appoint the petitioner for the post of Noon-Meal Employee (Anganwadi Paniyaalar) at the Child Welfare Centre, Emanur vide her application dated 05.06.2012 and pass further orders.

For Petitioner : Mr. R. Selvakumar

For Respondents : Mr. K.J. Sivakumar,
Govt. Advocate for R1 & 2

No Appearance for R3

O R D E R

This writ petition has been filed seeking to quash the orders of the first respondent in No.Se.Mu.Na.Ka. No. 606 A/

2012 dated 22.8.2012 and to direct the first respondent to select and appoint the petitioner for the post of Noon-Meal Employee (Anganwadi Paniyaalar) at the Child Welfare Centre, Emanur, vide her application dated 05.06.2012.

2.Learned counsel for the petitioner would submit that the petitioner having passed Higher Secondary Course, belongs to B.C community. The petitioner applied for the post of Noon Meal employee at Emanur, as per the Integrated Child Development Services Project on 05.06.2012. It is stated that the appointment is based on communal rotation basis and as such the same has to be filled up only from Backward community. Therefore, the petitioner was eligible to be appointed in the said post. The petitioner along with 3 other women attended the interview. However, the 3rd respondent was selected and appointed, though she does not belong to the backward community. Therefore, the petitioner requested the 1st respondent, to furnish a copy of the appointment order of the 3rd respondent, stating the community of the 3rd respondent and other details. Although the 1st respondent replied to the petitioner vide the order impugned, the community of the 3rd respondent has not been mentioned and hence the petitioner has filed this writ petition challenging the appointment of the 3rd respondent.

3.Learned Government Advocate, based on the reply filed by the 2nd respondent, reiterated that the 3rd respondent was selected and appointed as Anganwadi Worker because she is a local resident, belongs to Backward community and also she is a destitute women. Moreover, she gained more marks in the interview. Further, he stated that all the guidelines issued by the Government have been followed scrupulously while appointing the 3rd respondent.

4.In the light of the submissions made by the learned Government Advocate for the respondents 1 and 2, that the 3rd respondent belongs to Backward community and has been selected as Anganwadi Worker as per the guidelines issued by the Government, which fact has not been disputed by the writ petitioner, the writ petition fails and the same is dismissed. Consequently, the connected M.Ps are closed. No costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

avr

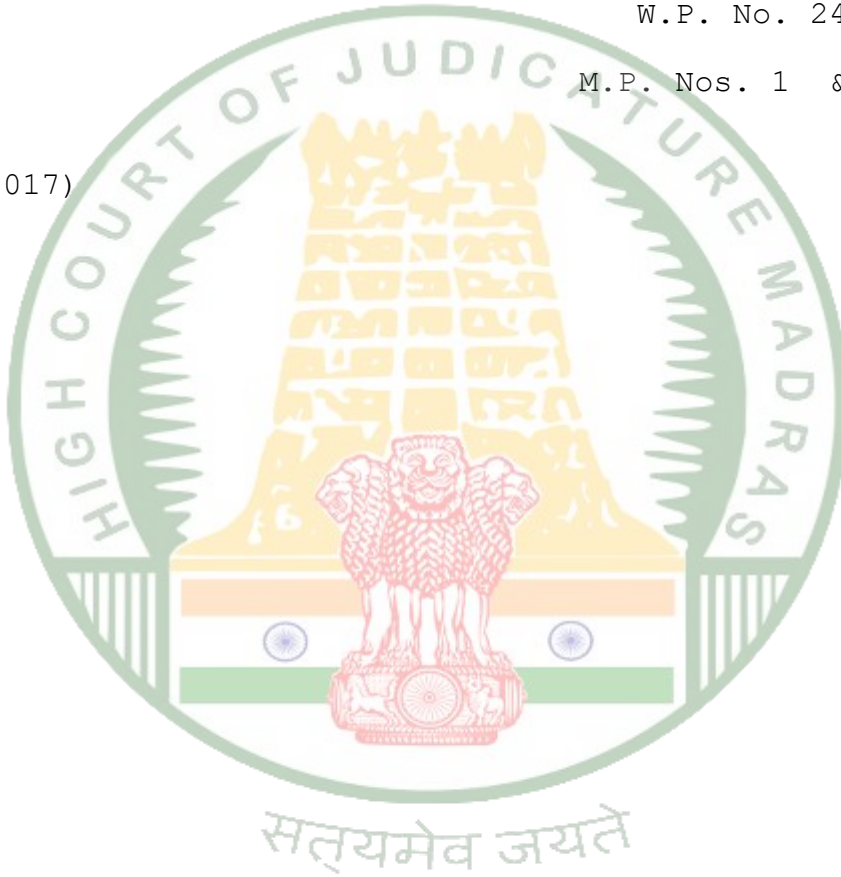
To

1. The District Collector
Dharmapuri.
2. The Project Officer
Child Development Project
Pennagaram.

+lcc to Mr.R.Selvakumar, Advocate SR.No.2374
+lcc to Government Pleader, SR.3044

W.P. No. 24076 of 2013
and
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SCD (CO)
GN (05/04/2017)



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