



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

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THE HONOURABLE MR. JUSTICE T. RAJA

W.P (MD) No.15744 of 2017

and

W.M.P. (MD) No.12459 of 2017

M.Lesli Ananshia Rathi

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Kanyakumari District.

2. The District Children Development Scheme Officer,
Children Development Scheme,
Kanyakumari District.

3. The Deputy Tahsildar,
Head Quaters,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first and second respondents herein to accept the application form of the petitioner and process the same in accordance with law and appoint the petitioner as Anganvadi worker in Kadiyapattinam Angavadi, Kalkulam Taluk, Kanyakumari District, within a time frame fixed by this Court.

For Petitioner : Mr.V.Meenakshisundaram
For Mr.D.Nallathambi

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

By the consent of both sides, the writ petition itself taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3.The petitioner, who born on 02.07.1992, applied for the post of Anganvadi worker pursuant to the Notification in Thinathanthi Daily on 03.08.2017 to fill up 885 Anganvadi workers in Kanyakumari District. Since the age limit for the candidates belonging to the petitioner's category is between 25 to 35, as on 01.07.2017, the petitioner is running shortage of only one day, inasmuch as on 01.07.2017, she is 24 years 11 months and 29 days, her application was not accepted. However, as far as the other categories are concerned, in the same notification, for physically, orthopedically and differently abled persons the age limit is $35+3=38$ years and similarly for candidates belonging to the Tribal area, it has been fixed as 40 years as the maximum age limit. When the respondents have given different age criteria for widow women, deserted women candidate with locomotor disability, partially, orthopedically and differently abled persons, the respondents cannot close the door for the said selection to the petitioner on the ground that she is running shortage of only one day.

4.The learned counsel appearing for the petitioner would further submit that when the petitioner's date of birth is 02.07.1992, as on 01.07.2017, she has completed only 24 years 11 months and 29 days. Therefore, the respondents, after perusing the application along with the Certificates, cannot refuse to receive her application on the ground of shortage of one day, as per condition NO.2 in the application Form. Moreover, the petitioner being a lady candidate and also the candidate, who discontinued her 12th standard, the respondents may be directed to entertain the petitioner's application. He would further submit that the respondents are entertaining the applications of the candidates with higher qualifications and therefore, the genuine candidates are going to be affected. Hence, there is no impediment for the respondents to entertain the petitioner's application.

5.This Court hardly finds any merit in this writ petition. When the Notification issued by the respondents in Thinathanthi Daily on 03.08.2017 to fill up 885 Anganvadi workers post in Kanyakumari District, the applications were accepted only from the eligible and qualified candidates, who complied with educational qualifications as well as age criteria. The petitioner, having complied with educational qualification, has failed to comply with age qualification. The reason is that as on 01.07.2017, she completed only 24 years 11 months and 29 days as her date of birth is 02.07.1992. Therefore, this Court is not inclined to entertain the writ petition and the writ petition fails and the same is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/



To

1. The District Collector,
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Kanyakumari District.
2. The District Children Development Scheme Officer,
Children Development Scheme,
Kanyakumari District.
3. The Deputy Tahsildar,
Head Quaters,
Kalkulam Taluk,
Kanyakumari District.

+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 73700
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 74629

MRN/RR

TE/SV-MMS/SAR-II : 07/09/2017 : 3P/6C

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