



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.16229 of 2017

and

WMP(MD)No.12903 of 2017

WEB COPY

R.Jeyalakshmi

...Petitioner

-Vs-

1.The District Collector,
Tirunelveli.

2.The District Project officer,
Child Welfare And Development Project,
Collectorate, Kokirakulam,
Tirunelveli.

3.The Project Officer,
Child Welfare and Development Project,
Keela Pavoor Panchayat Union,
Pavoorchathiram,
Tirunelveli Distict.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the appointment of the petitioner as Anganvadi organizer in the centre at Chennalthapudukulam or Nattarpatti village comes under the jurisdiction of the 3rd respondent office based on the petitioner's applications dated 20.11.2014, 21.09.2016 and 16.08.2017 within the period stipulated.

For Petitioner

: Mr.Ananth C.Rajesh

For Respondent

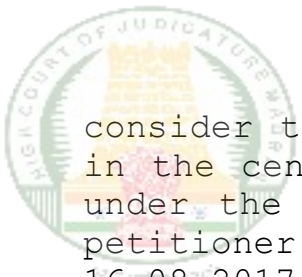
: Mr.D.Muruganantham,

Additional Government Pleader

O R D E R

By consent of both parties, this writ petition itself is taken up for final disposal.

2.The petitioner has come up with this Writ Petition for issuance of a writ of mandamus to direct the respondents to



consider the appointment of the petitioner as Anganvadi organizer in the centre at Chennalthapudukulam or Nattarpatti Village comes under the jurisdiction of the 3rd respondent office based on the petitioner's applications dated 20.11.2014, 21.09.2016 and 16.08.2017 within the period stipulated.

WEB COPY

3. Heard, Mr. Ananth C. Rajesh, learned counsel appearing for the petitioner and Mr. D. Muruganantham, learned Additional Government Pleader appearing for the respondents.

4. The learned counsel for the petitioner would submit that the petitioner belongs to socially and economically weaker section and also a resident of Chennalthapudukulam. Since her family is continuously facing poverty, she is under compulsion to get any employment. On earlier occasion, the petitioner, after seeing the advertisement issued by the first respondent, applied for the post of Anganwadi Organiser in the Centre at Chennalthapudukulam. Although the petitioner was fully qualified, the respondents had chosen another lady from the next village, which is situated 2 kms away from the Chennalthapudukulam and the neighbouring centre at Nattarpatti Panchayat. In May and September 2016, she applied for the post with application on 21.09.2016. But, unfortunately, the selection notification issued on 10.08.2017 prescribes age limit of 35 years for backward community as on 01.07.2017. But the petitioner has submitted her fresh application on 16.08.2017 with the 3rd respondent. However, her application was refused to be acceptable on the ground that she has crossed 35 years as on 01.07.2017. As there is a difference of only 53 days, a direction may be issued to the third respondent to accept the said application, it is contended.

5. A perusal of the affidavit filed in support of the writ petition would go to show that the petitioner is a resident of Chennalthapudukulam and she applied for the post of Anganvadi Organizer in the year 2010. Although she was fully qualified, by giving priority to the widow candidate hailing from another village, she was unable to get a chance to be appointed as Anganwadi Organiser;

6. After noticing the vacancies in the present place, namely, Chennalthapudukulam, again, the petitioner applied for the same post on 21.09.2016, she was not considered. Even thereafter, the petitioner made an application for the same post, when it arose, for which, the respondents have issued a notification on 10.08.2017 fixing the age limit as 35 years as on 01.07.2017, since the petitioner has applied on 16.08.2017, 53 days running against the petitioner to disqualify her candidature should not be taken into account.

7. But, this Court is unable to entertain the writ petition for the following reasons:

(i) Firstly, when the notification was issued on 10.08.2017, prescribing the upper age limit as 35 years for all the candidates as on 01.07.2017, for the petitioner alone no concession can be given. The reason is that if any concession is given to the petitioner alone, this has to be extended to other similarly placed candidates, who are also similarly over aged. This will again open a flood gate to other people and that might also create problem to the petitioner.

(ii) Secondly, when the notification has been issued on 10.08.2017, fixing the upper age limit of 35 years as on 01.07.2017, the petitioner cannot say that she had made application on 21.09.2016 and on the said date, she was below 35 years. The date of issuance of the notification alone should be taken into account for the purpose of fixing the upper age limit.

8. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli.
- 2.The District Project officer,
Child Welfare And Development Project,
Collectorate, Kokirakulam,Tirunelveli.
- 3.The Project Officer,
Child Welfare and Development Project,
Keela Pavoor Panchayat Union,
Pavoorchathiram, Tirunelveli Distict.

+1cc to Mr.M.S.JAWAHARLAL,Advocate,SR.75330

+1cc to M/S.Special Government Pleader,SR.75337

W.P. (MD)No.16229 of 2017

29.08.2017