

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.11.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.11105 of 2013

V.Elaiyarani

... Petitioner

Vs

1.The Director of Social Welfare,
Chennai - 600 005.

2.The District Collector,
Dharmapuri.

3.The Project Officer,
Integrated Child Development Scheme,
Dharmapuri.

4.The Block Child Development Officer,
ICDS, Morappur,
Dharmapuri District.

5.S.Sennammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, direction to the first respondent to dispose of the appeal dated 10.12.2012 filed by the petitioner against the appointment of the 5th respondent as Anganwadi Worker in the Child Development Centre at G.Mookanurpatti, in Morappur Block and pass orders within a time limit.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.R.S.Selvam, GA for R1 to R4
No appearance for R5

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O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to dispose of the appeal dated 10.12.2012 filed by the petitioner against the appointment of the 5th respondent as Anganwadi Worker in the Child Development Centre at G.Mookanurpatti, in Morappur Block.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is fully qualified and eligible for appointment to the Post of Anganwadi worker of Child Welfare Centre at Panchayat Union Elementary School, Dwarakapuri in Krishnagiri Block. The respondents conducted an interview and the 5th respondent was appointed contrary to the rules in force. The 5th respondent was not residing within the radius of 3 Kms of that village. Therefore, the appointment of the writ petitioner is illegal and in violation of the guidelines issued in this regard.

3.The learned counsel Government Advocate appearing on behalf of the respondents brought to the notice of this Court that the norms fixed by the Government was scrupulously followed, while undertaking the process of selection. The 4th respondent filed a counter affidavit, stating that the 5th respondent has been selected for the Post of Anganwadi Worker, since she is residing within 1 Km from the Center and she has passed S.S.L.C and she had answered all the questions in the interview and since the main criteria for appointment to the Post of Anganwadi Worker is ability, educational qualification, knowledge about the scheme and residency.

4.The contention of the petitioner is that she is a deserted woman, is not applicable for the post of Anganwadi Worker.

5.This Court is of an opinion that the decision of the Selection Committee cannot be interfered with by the Courts' in a routine manner. The decision of the Selection Committee can be questioned, if there is any malpractice or corrupt activities. In such an event, the person, who is approaching the Court, is bound to establish all such allegations. In the absence of any such allegations, the decision of the Selection Committee is binding on all the policies.

6.In the present case, the ground raised by the writ petitioner has been answered by the respondent in their counter, by stating that the writ petitioner is residing within 1 Km from the Center and she had passed S.S.L.C. This being the factum of the case, the case of the writ petitioner cannot be considered. This Court is of an opinion that in view of the counter affidavit filed by the 4th respondent, setting out the facts and details, there is no necessity to direct the Appellate Authority to consider the appeal filed by the writ petitioner.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Social Welfare,
Chennai - 600 005.

2.The District Collector,
Dharmapuri.

3.The Project Officer,
Integrated Child Development Scheme,
Dharmapuri.

4.The Block Child Development Officer,
ICDS, Morappur,
Dharmapuri District.

+1 cc to M/s.R.Thamarai Selvan, Advocate Sr.No.75230

+1 cc to The Government Pleader, Sr.No.75909

NRI (CO)
CSL/28.11.2018

W.P.No.11105 of 2013

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