

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7135 of 2018

Mrs.V.Bharathi .. Petitioner

-vs-

1. The District Collector
Tiruvannamalai District
Tiruvannamalai
 2. The Planning Officer (ICDS)
Tiruvannamalai District
Tiruvannamalai
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relevant to the order passed by the second respondent in proceedings Ref.No.Se.Mu.Na.Ka.1892 A1/2017 dated 13.02.2018 and quash the same as illegal, improper against natural justice and thereby permit the petitioner to join and continue his service in the second respondent.

For Petitioner ::Mr.B.Gopalakrishnan

For Respondents ::Mr.V.Kadhirvelu
Special Government Pleader

ORDER

The petitioner, who was appointed as an Anganwadi Worker on 18.1.2018 by the Planning Officer (ICDS), Tiruvannamalai District, the second respondent herein in proceedings No.1892/A1/2017 in the anganwadi centre at Raja Thoppu, Kilpennathur post, was issued with the dismissal order by the same respondent on 13.2.2018. Challenging the same, the present writ petition has been filed on the ground that no show cause notice or explanation has been called for from the petitioner before the impugned order of dismissal was issued against her. Therefore, the impugned order passed in violation of the principles of natural justice with an ill motive and without jurisdiction is liable to go. The learned counsel for the petitioner also submitted that the only reason stated in the impugned order shows that the petitioner has not disclosed the

avocation of her husband as a Lineman in the TANGEDCO Ltd. But the petitioner has not concealed the said fact. Secondly, he submitted that even if the award of 15 marks as referred to in the impugned order is deducted, still the petitioner is eligible and entitled to be considered for the post of Anganwadi Worker. When this aspect has to be explained by the petitioner, the impugned order is liable to go with a consequential direction to the first respondent to consider her case on the basis of the representation dated 24.2.2018.

2. This Court, although finds that there is a grievance on the part of the petitioner that after she was appointed as an Anganwadi Worker on 18.1.2018 by the Planning Officer (ICDS), Tiruvannamalai, her appointment was recalled without notice, on perusing the reasoning given in the impugned order, is able to see that the petitioner's husband Mr.Mohankumar is working as a Lineman in the TANGEDCO Ltd. Therefore, when the petitioner's husband is already working as a Lineman in the TANGEDCO Ltd., the second respondent has recalled that order so as to give the post of Anganwadi Worker to the eligible person who is not having the benefit of government employment in the family. Hence, the writ petition is dismissed. However, the first respondent is directed to consider the appeal representation filed by the petitioner on merits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Consequently, W.M.P.No.8838 of 2018 is also dismissed. No costs.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai

2. The Planning Officer (ICDS)
Tiruvannamalai District
Tiruvannamalai

+1 CC to Mr.B. Gopalakrishnan, Advocate sr 23178.

+1 CC to The Govt. Pleader sr 24645.

W.P.No.7135 of 2018

SP(10/04/2018)