

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.5510 to 5512 of 2018

K.Ramya .. Petitioner in W.P.No.5510 of 2018
K.Sathya .. Petitioner in W.P.No.5511 of 2018
Vasantha, W/o Muniyappan .. Petitioner in W.P.No.5512 of 2018

-vs-

1. The District Programme Officer
Integrated Child Development
Services Scheme
Dharmapuri District
Dharmapuri
2. The Project Officer
Child Development Scheme
Palacode
Dharmapuri District
..Respondents 1 & 2 in all the writ petitions
3. N.Sumathi ..3rd Respondent in W.P.No.5510 of 2018
4. Suseela, W/o Kumar ..3rd Respondent in W.P.No.5511 of 2018
5. Sathya, W/o Sivakumar..3rd Respondent in W.P.No.5512 of 2018

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Pro.Na.Ka.No.539/A1/2017 dated 09.02.2018, quash the same and issue consequential directions to first respondent herein to appoint the petitioners as Anganwadi Workers in the Anganwadi Centres Mini Anganwadi Centre at Palaiyur Narayanan Kottai and Nallur of Palacode Taluk and in the Mini Anganwadi Centre at Thoddampatty of Palacode Taluk, Dharmapuri District, respectively.

For Petitioners:: Mr.R.Thamaraiselvan

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 & 2

ORDER

The petitioners in these writ petitions have challenged the impugned orders of appointment appointing the third respondent in each of the writ petitions to the post of Mini Anganwadi Worker in the Palaiyur Narayanan Kottai and Nallur centres of Palacode Taluk and in the Thoddampatty centre of Palacode Taluk, Dharmapuri District, respectively. Since the issue is common, all the writ petitions are taken up together and disposed of by this common order.

2. Learned counsel for the petitioners submitted that the petitioners are belonging to Scheduled Caste/Backward Class/Most Backward Class community and they are fully qualified for the post of Mini Anganwadi Worker as per the norms prescribed for the said post. However, in contravention of the G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.5.2012, the first respondent has wrongly appointed the contesting respondents, which cannot be upheld by any Court of law. The reason being that paragraph-2.8 of the said G.O.Ms.No.110 clearly shows that the applicant should be the resident of the same hamlet. But in the present cases, when the petitioners are belonging to the same hamlet, the contesting respondent in W.P.No.5510 of 2018, being a resident of different hamlet and different panchayat located 9 kms., away from the centre in question, has been appointed. Similarly, the contesting respondent in W.P.No.5511 of 2018, though belongs to the same hamlet, is residing at a distance of 7 kms., away from the centre in question. Likewise, the contesting respondent in W.P.No.5512 of 2018 is residing 3 kms., away from the centre in question. When the said Government Order clearly demands the appointing authority to consider the eligible candidates who are the residents of the same hamlet, without mentioning any good reason, the appointing authority, rejecting the case of the petitioners, has chosen to appoint the contesting respondents who are residing 9 kms.,/7 kms.,/3 kms., distance from the respective centres have been appointed to the post of Mini Anganwadi Worker. Hence, the impugned orders are liable to go, he pleaded.

3. Per contra, the learned Special Government Pleader for the respondents 1 & 2 submitted that when paragraph-3.8 of the G.O.Ms.No.110 dated 14.5.2012 relating to residency in respect of the post of Mini Anganwadi Worker clearly specifies that if no eligible candidate from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayat or the candidates from the neighbouring panchayats located within 10 kms., shall be considered for appointment as Mini Anganwadi Worker, the impugned orders cannot be found fault with.

4. I also find merits in his submissions. Paragraph-3.8 of the G.O.Ms.No.110 dated 14.5.2012 relating to residency for appointment to the post of Mini Anganwadi Worker reads as follows:-

"The Government direct that the applicant should be the resident of the same hamlet. If no eligible candidate from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayat of the particular centre shall be considered. Even then, the eligible candidates are not available, the candidates from the neighbouring panchayats located within 10 kms., shall be considered for the appointment of Mini Anganwadi worker.

In respect of Anganwadi centres in the Municipality/Corporation area, the applicant residing in the same ward shall be considered. If no eligible candidate from the same ward is available, the candidates from the nearby ward shall be considered. Even then the eligible candidates are not available, candidates from the Division shall be considered for appointment of Mini Anganwadi worker."

In the present cases, admittedly, it is stated by the learned counsel for the petitioners that the contesting respondents are hailing from 9 kms.,/7 kms.,/3 kms., from the respective anganwadi centres in question. Moreover, the learned counsel for the petitioners is unable to show any other disqualification other than the residency point in the appointment of the contesting respondents. Therefore, this Court finds no merit in the writ petitions. Accordingly, the writ petitions are dismissed. Consequently, W.M.P.Nos.6807 to 6812 of 2018 are also dismissed. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

SS

To

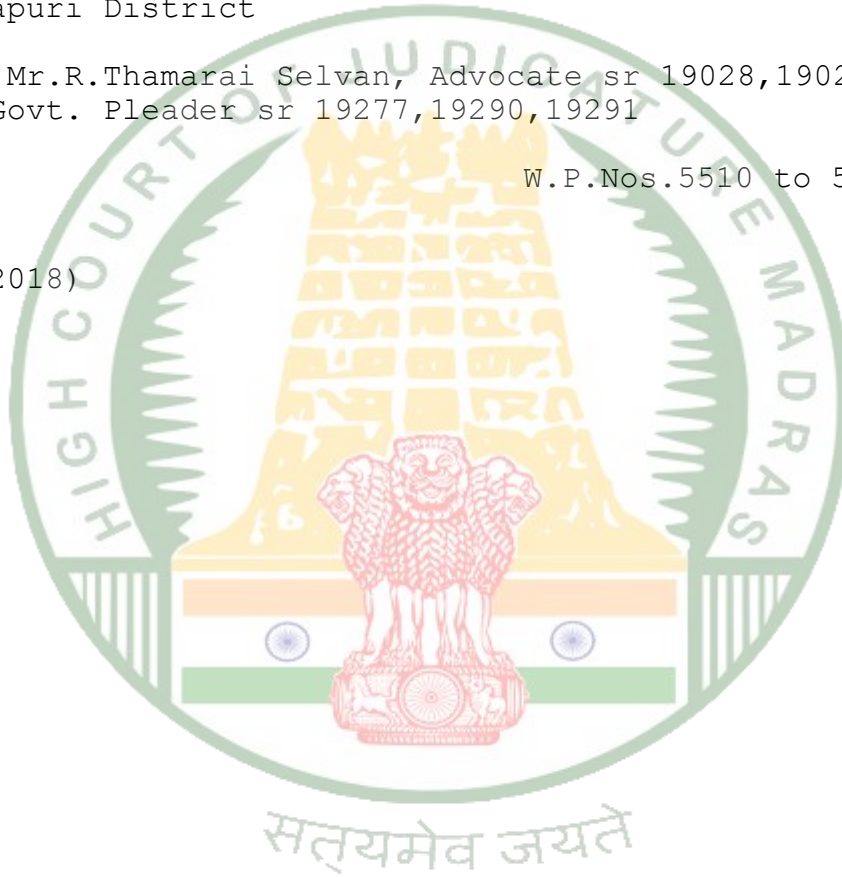
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Dharmapuri

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+3 Ccs to Mr.R.Thamarai Selvan, Advocate sr 19028,19029,19030.
+1 CC to Govt. Pleader sr 19277,19290,19291

W.P.Nos.5510 to 5512 of 2018

AD(CO)
SP(13/04/2018)



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