

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.31689 of 2017
and
W.M.P.No.34835 of 2017

R.Jothi

... Petitioner

Vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Integrated Child Development Officer,
Nallampalli,
Dharmapuri District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner dated 20.11.2017, and to consider the name of the petitioner to the post of Anganwadi Worker in Child Centre, Embarana Alli, Nallampalli, Dharmapuri District, from and out of the vacancies that existed after the selection and appointment of the candidates, within a time frame.

For Petitioner : Mr.K.K.N.Ganeshan

For Respondents: Mr.V.Jayapraksh narayanan
Special Government Pleader

O R D E R

This writ petition has been filed seeking writ of mandamus directing the District Collector, Dharmapuri District, the 1st respondent herein to consider the representation dated 20.11.2017, of the petitioner, in and by which, she has requested the authorities to consider her name to the post of Anganwadi Worker in Child Centre, Embarana Alli, Nallampalli, Dharmapuri District.

2.The learned counsel for the petitioner submitted that the petitioner is a deserted lady aged about 34 years and is residing at Pattalamman Koil Street, Venkatampatti, Nallampalli, Dharmapuri District. During the year 2012, the 1st respondent invited application for the post of Anganwadi Worker for the Child Centre, Embarana Alli, Nallampalli, Dharmapuri District. On application, she was called for to attend the interview on 11.08.2012. After the interview, the 1st respondent, by his proceedings No.Se.Mu.Na.Ka.No.606/A1/2012, dated 01.10.2012, appointed her as Anganwadi Worker for Child Centre, Embarana Alli, Nallampalli, Dharmapuri District and thereby, she had also joined in the said post on 08.10.2012. However, within one month, she was dismissed by the 1st respondent on 01.11.2012, stating that, after verification of the records, it was found that she has not passed the 10th standard examination. Subsequently, the petitioner had also passed the S.S.L.C examination during the month of September 2014.

3.The learned counsel for the petitioner further submitted that again, the 1st respondent invited application for the post of Anganwadi workers through publication in proceedings No.Na.Ka.No.152/2016/X1, dated 08.03.2017. The petitioner also applied for the same, as she is residing in the village, which is within the radius of 3 km from the Child Centre, Embarana Alli, Nallampalli, Dharmapuri District and she is also a deserted woman, as could be seen from the decree and judgment passed by the learned subordinate Court, Hosur, in H.M.O.P.No.07/2004 dated 19.03.2004. The 2nd respondent herein, in his proceeding Rc.No.203/A/2017, dated 01.09.2017, called her for the personal interview on 12.09.2017. Thereafter, she has also attended the interview, alongwith necessary documents. She has also made a representation dated 20.11.2017 to the respondents to consider her candidature for the above said post. But, till date, the respondents have not considered the case of the petitioner.

4.The learned Special Government Pleader appearing for the respondents filed a detailed counter and submitted that along with the petitioner, two other candidates have also attended the interview viz., one Tmt.Kalaiselvi, who is also a widow and physically challenged person and one another person Tmt.Nithyamary. Both of them are residing in the same village. It is further submitted that till date the 1st respondent has not declared the results, therefore, at this stage, this writ petition filed by the petitioner to consider her representation dated 20.11.2017, seeking to consider her candidature for the said post is liable to be dismissed as a premature one.

5.I fully agree with the contention made by the learned Special Government Pleader. Admittedly, the interview was taken place only on 12.09.2017. Therefore, the District Collector, Dharmapuri, being the appointment authority, has to consider the qualification and merits of all the candidates, who have applied for the said post. It is no doubt true that the petitioner is a deserted woman. Similarly, another candidate Tmt.S.Kalaiselvi, is also claimed to be a physically challenged widow. Therefore, it is for the District Collector, Dharmapuri, to consider and pass orders, after perusing all those materials placed before him. Hence, this Court directs the District Collector, Dharmapuri, to consider the representation of the petitioner same as expeditiously as possible.

6.With the above direction, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sai / rkm

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Integrated Child Development Officer,
Nallamapalli,
Dharmapuri District.

+ 1 cc to Mr.K.K. N. Ganeshan, Advocate Sr.7633

+ 1 cc to Government Pleader Sr.8474

SSI (CO)
EU (23/02/2018)