

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.08.2018

Coram

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No 26436 of 2008

and M.P.No. 1 of 2009

Smt. Govindammal

....Petitioner

Vs.

1. The District Collector,
The Collectorate Office at Villupuram
Villupuram District.

2. Tmt. Amutha

.... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the first respondent herein, the District Collector, Villupuram District, to consider the representation of the petitioner dated 05.03.2009.

For petitioners :Mr.M. Lalpagadur

For Respondent -1 : Mr. R.S.Selvam

(Government pleader)

For Respondent -2 :Mr.C.K. Vishnu Priya

O R D E R

The petitioner prays to issue a writ of Mandamus directing the first respondent herein, the District Collector, Villupuram District, to consider the representation of the petitioner dated 05.03.2009.

2. It is the case of the petitioner that she belongs to Hindu Adi Dravidar community and residing at Kottamarudur New Colony, Tankstreet, Thirukovilur Taluk, Villupuram District. As her husband died on 13.05.2001, she is leading her life with her father-in-law and 3 sons in a poor condition. She had studied upto Elementary school and just know to read and write Tamil

language. After the demise of her husband, she is doing agricultural coolie work and earning meager amount to run her family. At that point of time the first respondent had announced, vide letter dated 24.10.2008, inviting applications from the interested persons for the post of "Anganvadi Noon Meals Cook Helper". Hence, the petitioner applied for the said post and the interview was held on 06.11.2008 at 1.00 p.m to 5.00 p.m at the Mugaiyur Panchayat Union (D) Manampundi for the said post of Anganwadi Noon Meals Cook Helper. But unfortunately she was not selected for the said post.

3. Again the first respondent, by his letter dated 19.02.2009 invited applications for the said post and the petitioner applied for the said post and attended the interview on 25.02.2009 in the said Mugaiyur Panchayat Union, Manampundi. But, to the shock and surprise, the petitioner was denied the second opportunity by the first respondent and the second respondent was selected and appointed as Anganvadi Noon Meal Cook Helper at the said panchayat union.

4. The learned counsel for the petitioner would contend that the second respondent is not a widow and she is living with high level economic status in the above said village with her husband and children and she is not residing in the said village. Hence, it is clear that the first respondent has not verified about the eligibility criteria about the candidates and just provided appointment to the second respondent on 03.03.2009, which is illegal. Thereafter, the petitioner verified and came to know, that there are vacancies in the other two schools, which come under the same taluk and submitted a representation to the first respondent in person, which was not considered. Hence, the petitioner submitted another representation on 05.03.2009 to the first respondent and to the Chief Minister's Cell, for

which there is no response. Therefore, the petitioner had approached this Court by way of filing this writ petition.

5. The learned Government Advocate for the first respondent submit that they have filed the counter, in which it is alleged that the interview was conducted for the vacant 35 Anganwadi Centres in Mugaiyur Block on 06.11.2008 and the petitioner was one among them and would further submit that the petitioner in her application had stated that she is able to read Tamil. But at the time of interview, she was not able to read or write in tamil. As per Government instructions the candidate should reside within 3 kms from the said Anganwadi Centre, Since Tmt. Amudha, who is the second respondent is residing within 1 km from the said Centre, and the income certificate produced by her stated that she is living below poverty line, since she was provided the appointment.

6. The learned Government Advocate for the first respondent would further submit that the petitioner has made representation in this regard dated 10.11.2008 (i.e) after she attending the interview on 06.11.2008, and it was suitably replied vide reference letter Roc.No.95/A3/2008 dated 24.11.2008. Thereafter, she has not given any representation dated 05.03.2009.

7. The learned Government Advocate for the first respondent would also submit that the selection committee, selected the second respondent, as she is eligible person for appointment as Anganwadi Helper in Kottamarudhur Centre and the petitioner being a widow cannot be considered as a priority. It is only a preference when all the said qualification were possessed by the petitioner, as per the norms. Further the Selection Committee is empowered to select any suitable person based on the performance in the interview and the relevant certificates submitted by them at the time of interview.

8. In the light of the above submissions, this Court is of the considered opinion that the appointment of the second respondent by the first respondent is legal and justifiable hence, there is no violation of principles of natural justice. Therefore, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To.

The District Collector,
The Collectorate Office at Villupuram
Villupuram District.

+1cc to the Government Pleader, S.R.No.53226

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RSI (CO)
GSP (20/02/2019)