

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

CORAM

THE HONOURABLE MR.JUSTICE.M.DHANDAPANI

W.P. No.16223 of 2007

Shenbagavalli

.. Petitioner

Vs.

1.The District Collector,
Nagapattinam.

2.The District Planning Officer,
Nagapattinam.

3.The Children Development Plan Officer,
Kuttalam, Mayiladuthurai Taluk,
Nagapattinam District.

4.Dhamayenthi

.. Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus calling for the records of the 1st respondent in his proceedings Se.Mu.Na.Ka.No.866/A1/2005 dated 02.01.2007 and quash the same and further direct the 1st respondent to appoint petitioner herein as Anganwati helper in Anganwati helper in Anganwati situated Maruthur Village, Mayildathurai Taluk, Nagapattinam District.

For Petitioner : Mr.S.Sounthar

For Respondents: Mr.K.Ravikumar,

Additional Government Pleader
for R1 to R3

No appearance for R4

ORDER

This writ petition has been filed by the petitioner challenging the proceedings Se.Mu.Na.Ka.No.866/A1/2005 dated 02.01.2007 and seeking a direction to the 1st respondent to appoint her as Anganwati helper in Anganwati situated at Maruthur Village, Mayildathurai Taluk, Nagapattinam District.

2.The case of the petitioner is that she is a poor widow. After the death of her husband, she has been suffering a lot with her minor daughter. As the Anganwati was inaugurated in her

native village namely Maruthur on 13.06.2005, she has been working as a Helper in the said village as per request made by its Organiser one Amutha. According to her, she served for the past two years without any salary only on the hope that when regular Helper is appointed, she will be given priority as she was a widow and local resident of the said village. While so, the District Planning Officer, Nagapattinam, the second respondent herein vide proceedings dated 19.12.2006 in Na.Ka.No.866-A-06 issued guidelines based on Government Orders for filling up of Anganwati Helpers post in Nagapattinam District through interview. As per the said proceedings of the second respondent, the Anganwati Helpers must prescribe the qualifications namely, 1) must be able to read and write; 2) must be a female; 3) age between 20 to 40 years; and 4) must belong to the same village in which vacancy arose. As she acquired all the above qualifications, she applied for the post of Anganwati Helper in Maruthur Village, Anganwati. On 28.12.2006, the interview has been conducted by the respondents. The petitioner and other applicants have attended the interview. While so, the first respondent by proceedings dated 02.01.2007, appointed the fourth respondent as Anganwati Helper. According to the petitioner, the fourth respondent is not a resident of Maruthur Village and she belongs to Mekkirimangalam Village which is about 8 kms. away from the said village and she does not possess essential qualifications referred to above. Challenging the said appointment order, she is before this Court seeking the above said prayer.

3. Though the name of the fourth respondent is printed in the cause list, none appears on her behalf.

4. Learned Additional Government Pleader appearing for respondents 1 to 3 is not in a position to dispute the contention put forth by the petitioner. However, this Court, while entertaining the writ petition, has granted an order of interim stay and on 17.11.2017, the same has been made absolute.

5. In view of the above facts and circumstances of the case, since no one is able to explain the position as to whether the fourth respondent has acquired the said qualifications, this Court is inclined to allow this writ petition. Accordingly, the proceedings Se.Mu.Na.Ka.No.866/A1/2005 dated 02.01.2007 is hereby quashed and this writ petition is allowed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Nagapattinam.

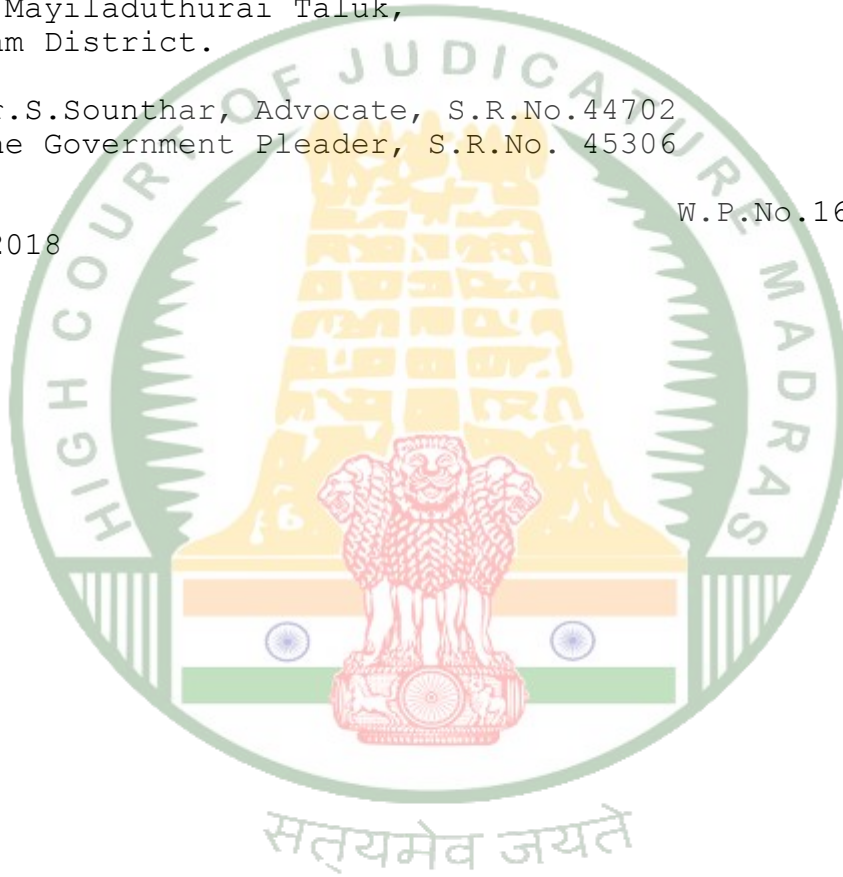
2.The District Planning Officer,
Nagapattinam.

3.The Children Development Plan Officer,
Kuttalam, Mayiladuthurai Taluk,
Ngapattinam District.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.44702
+1cc to the Government Pleader, S.R.No. 45306

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BM 25/07/2018



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