



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18145 of 2018

D.Thamaraiselvi

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Child Development Programme Officer,
Theni (Rural) Union,
Theni District,
Theni.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to ensure the petitioner's appointment vide proceedings issued to the 1st respondent in Se.Mu.Na.Ka.No. 2321/A1/2017 dated 01.08.2018 on considering the petitioner's representation dated 10.08.2018.

For Petitioner : Mr.R.Shankar Ganesh

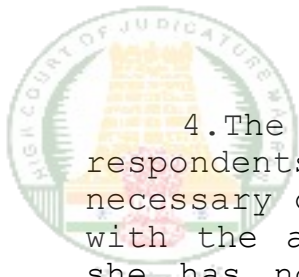
For Respondents : Mr.R.Sethuraman, Spl.G.P.

O R D E R

The petitioner has come forward with the present Writ petition seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.08.2018.

2.The case of the petitioner is that she completed 10th standard and her husband died during the year 2016 and she is having a minor son. Based on the notification of the respondents calling for applications for appointment to the post of Anganwadi Worker, in Theni District, she has applied for the said post. On 29.08.2017, she has been called for an interview. Based on the said interview, a proceedings dated 01.08.2018 has been issued, appointing the petitioner as Anganwadi Worker in Anganwadi Center at Ambasamudram, Theni District and that the petitioner was directed to report for work within 15 days along with necessary certificates. Even though the petitioner has approached the respondents along with necessary documents, she was not given job. Hence, the petitioner is before this Court with the present Writ petition.

3.According to the learned counsel for the petitioner, the petitioner has produced all the necessary documents, which are required for getting appointment to the post of Anganwadi Worker.



4.The learned Special Government Pleader appearing for the respondents contended that the petitioner ought to have produced necessary documents, particularly, destitute widow certificate along with the application or atleast at the time of joining. However, she has not produced the same. He has also submitted that the certificate dated 07.08.2018 referred to by the learned counsel for the petitioner is a certificate that the petitioner is a widow and the same is not a certificate that she is a destitute. Unless the said certificate is produced, the petitioner will not be entitled for appointment to the said post and that the order will stand lapsed.

5.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

6.From the records it is seen that the petitioner is a widow. However, she has not produced 'Destitute Widow' certificate either at the time of submitting her application or atleast at the time of joining. The certificate dated 07.08.2018 produced by her is only a widow certificate and that it cannot be construed as a certificate as she is a destitute widow. Unless the said certificate is produced, she will not be given employment.

7.Taking into consideration of the fact that the petitioner is a widow and she is having a child, the petitioner is directed to produce the destitute certificate as required by the respondents, within a period of one week from the date on which the order copy is made ready. The said certificate may also be sent by speed post / registered post to the respondents within the time stipulated. If the petitioner failed to do so, within the stipulated time, the appointment order shall stand automatically lapsed and it is open to the respondents to appoint any other suitable candidates for the said post.

8.If the petitioner has approached the authorities concerned for getting destitute widow certificate, the same shall be considered in accordance with law, within a period of 48 hours from the date of receipt of such application or at the earliest ie., within a period of two days from the date of receipt of a copy of this order. If such certificate is found to be incorrect at a later point of time, the petitioner is deemed to have been removed from service. Accordingly, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar(CS-I)



To

1.The District Collector,
Theni District,
Theni.

WEB COPY

2.The Child Development Programme Officer,
Theni (Rural) Union,
Theni District,
Theni.

+1CC TO MR.R.SHANKAR GANESH, ADVOCATE IN SR.NO.79247.

+1CC SPECIAL GOVERNMENT PLEADER IN SR.NO.79461.

NBJ

DS SV SAR-1 15.10.2018 3P/5C

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