



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.18708 of 2017 and
W.M.P.(MD).Nos.15088 & 15089 of 2017

Kogila

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Combined Children Development Scheme Officer,
Children Development Scheme Office,
Thiruppuvanam Taluk,
Sivagangai District.

3. P.Bhuvaneshwari

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the proceedings of the second respondent made in Sa.Mu.Na.Ka.1219/A1/2017 dated 15.09.2017 and quash the same as illegal and consequently direct the respondents 1 and 2 to appoint the petitioner as Anganwadi Worker of Jothipuram Village, Tiruppuvanam Taluk, Sivagangai District.

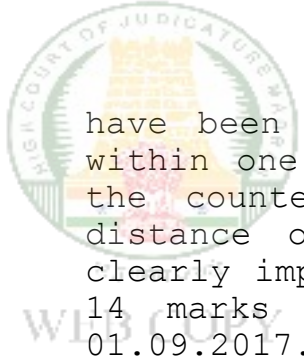
For Petitioner : Mr.R.Murali
For Respondents : Mr.Chellapandi
Additional Advocate General
Assisted by A.K.Baskara Pandian
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner was a candidate for the post of Anganwadi worker of Jothipuram Village, Tiruppuvanam Taluk, Sivagangai District. Instead of selecting the petitioner, the third respondent was selected. The same is assailed in this Writ Petition.

3.When the matter was taken up for disposal, the learned counsel appearing for the petitioner contended that the respondents 1 and 2 erred in awarding extra marks to the third respondent. He drew the attention of this Court to the fact that 18 marks could



have been given to the candidates residing in the same Panchayat within one to three kilometres. In the present case, even as per the counter affidavit, the third respondent was residing at a distance of 5 kilometres. Therefore, awarding of 18 marks is clearly improper. The third respondent should have been given only 14 marks as per the guidelines set out in memorandum, dated 01.09.2017. For those who are residing at a distance of 1 to 3 kilometres, 18 marks has been prescribed, but, there is no awarding of marks for those living beyond three kilometres in the same Panchayat. When, admittedly, the third respondent is living beyond five kilometres, she could not have been given 18 marks as per the said guidelines. For residing at a distance of four kilometres to 10 kilometres, 14 marks is given. Therefore, the same standard should have been adopted in the case of the third respondent also. If the said four marks is deducted from the performance of the third respondent, she also will be placed on par with that of the petitioner. But then two aspects stand in favour of the third respondent. She is elder to the petitioner by three years. The third respondent is residing of the same Panchayat Union. The petitioner is residing in the neighbouring Panchayat. Since on these two parameters, the third respondent would score over the petitioner, this Court is not inclined to interfere.

4.The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Combined Children Development Scheme Officer,
Children Development Scheme Office,
Thiruppuvanam Taluk,
Sivagangai District.

+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 46251
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 46161

TSG

TE/CVC/SAR-4 : 13/03/2018 : 2P/5C

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