



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.2118 of 2011
and
M.P(MD)No.2 of 2011

R.Rathi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Child Development Project Officer,
Chief Development Project Office,
T.Kallupatti,
Madurai District.

3.C.Jayanthi
W/o.Chellapandi,
Anganvadi Assistant,
Thambipatti,
T.Kallupatti Via,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in சே.மு.ந.க.எண்.1821/அ1/2010 dated 07.02.2011 issued to the third respondent and quash the same and consequently direct the first respondent to appoint the petitioner as Anganvadi Assistant at Thambipatti, T.Kallupatti Via., Peraiyur Taluk, Madurai District.

For Petitioner :Mr.R.R.Kannan
For R1 to R3 :Mr.R.Sethuraman,
Special Government Pleader

ORDER

The relief sought for in this writ petition is to call for the records in relation to the order impugned passed by the first respondent vide proceedings, dated 07.02.2011 appointing the third respondent as Anganvadi Assistant. The order impugned is the appointment order issued in favour of the third respondent



appointing her as Anganvadi Assistant at Thambipatti, T.Kallupatti Via., Peraiyur Taluk, Madurai District.

2.The grievances of the writ petitioner is that the third respondent was not appointed in accordance with the Government Order. The petitioner claims that she is fully qualified for appointment to the post of Anganvadi Assistant, as she is permanently residing within a radius of 3kms from Anganvadi Centre and therefore, instead of appointing her, the third respondent was appointed.

3.Further, the process of selection has not been challenged on the ground of malpractice or corrupt activities or any illegalities. The process of selection and appointment can be quashed if malpractices, illegalities or corrupt activities are established. In the absence of any one of the legal grounds, the merit assessment or the guidelines followed by the competent authorities cannot be a ground for quashing the appointment order issued in favour of the third persons. The writ petitioner was not selected, thus the selection of the third respondent cannot be a ground in the absence of establishing the same by legally acceptable grounds.

4.The learned Special Government Pleader appearing on behalf of the respondents 1 and 2 relying on the counter affidavit, stated that the petitioner furnished the details in her application as she is the resident of K.Sathrapatti. But during the interview she has spelt that she belongs to Kilankulam village. In the family card also, in the column Kilankulam is entered. Thus, the petitioner is residing 3 km away from the Anganvadi Centre, which is located. One of the criteria is that the candidate should be within 3 kms radius from which the Anganvadi is located. Since the vacant place at Thambipatti is allotted for general candidate, the candidate from any community can compete and can be selected. This being the factum of the case, the learned Special Government Pleader states that the process of selection was conducted in accordance with the guidelines issued by the Government Orders and there was no irregularity as such. Since the petitioner was not qualified, as per the Government Order, she was not selected. In this view of the matter, no further adjudication needs to be entertained in respect of other grounds raised in this writ petition.

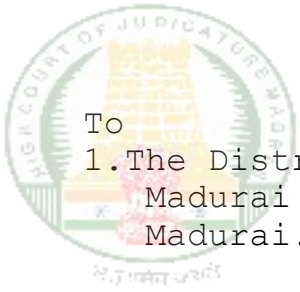
5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Madurai District,
Madurai.

2.The Child Development Project Officer,
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T.Kallupatti,
Madurai District.

3.C.Jayanthi
W/o.Chellapandi,
Anganvadi Assistant,
Thambipatti,
T.Kallupatti Via,
Peraiyur Taluk,
Madurai District.

+1CC to Mr.R.R.Kannan, Advocate, SR.No. 45377

+1CC to the Special Government Pleader SR.No.45516

W.P (MD) No.2118 of 2011
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AM/SV MMS/SAR 3/15.02.2018/3P/6C