



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2242 of 2011

and

M.P. (MD) No.2 of 2011

S.Glori Pramila

... Petitioner

Vs

1. The District Collector,
Tuticorin,
Tuticorin District,

2. The Child Welfare Project Officer,
Child Welfare Project Office,
Tiruchendur.

3. J.M.Maduravadivu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in his proceedings செ/மு/ந/க/ண்/3313-அ1-2009 dated 18.01.2011 and quash the same as illegal and consequentially to direct the respondent to appoint the petitioner as Noon Meal Organizer in the place of the third respondent.

For Petitioner : Mr.C.Venkateshkumar
for Ajmal associates

For R1 and R2 : Mr.R.Sethuraman
Special Government Pleader

For R3 : Mr.G.Thalaimutharasu

ORDER

The order of appointment of the third respondent to the post of Anganwadi worker is under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner is a Destitute Widow and having one female child. Therefore, she is eligible for appointment to the post of Anganwadi worker. However, she was not selected and the third respondent was selected and appointed in the said post. At the out set, the petitioner contends that though she was fully qualified and eligible, her candidature was rejected without any valid reason. The petitioner is residing in the particular



locality. All these grounds raised were not considered by the appointing authorities. Therefore, the writ petitioner is constrained to move the present writ petition.

3. The learned Special Government Pleader appearing on behalf of the respondents 1 and 2 contended that the petitioner was provided with a opportunity to participated in the selection process. However, the petitioner had not submitted the relevant records to show her contention. In the absence of proof in respect of the destitute widow, the authorities cannot consider the case of the writ petitioner. The Government issued G.O.(Ms). No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012, in respect of the appointment of Anganwadi worker, Mini center, Anganwadi worker and Anganwadi labour. The eligible criteria for appointment were prescribed in the said Government order. The said Government order in respect of the educational qualification, residency and proof of residence states as under:-

"2.7 Educational Qualification

Educational Qualification recommended is a pass in 10th Std for Anganwadi Worker. Educational Qualification shall be relaxed to 8th Std for candidates in Hill areas.

2.8 Residency

The Government direct that the applicant should be the resident of the same hamlet. If no eligible / suitable candidate from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayat of the particular centre shall be considered. Even then, eligible / suitable candidates are not available, the candidates from the neighbouring panchayats located within 10 kms. shall be considered for the appointment of Anganwadi worker.

In respect of Anganwadi centres in the Municipality/ Corporation area, the applicant residing in the same ward shall be considered. If no eligible/ suitable candidate from the same ward is available, the candidates from the nearby ward shall be considered. Even then the eligible candidates are not available, candidates from the Division shall be considered for appointment of Anganwadi worker.

2.9 Proof of Residence

The Government direct that the following documents shall be considered for the proof of Residence.

- 1) Voter I.D*
- 2) Panchayat/ Municipality/ Corporation Tax Receipt*
- 3) Ration Card"*



4. In view of the fact that the writ petitioner had not produced the records, the case of the writ petitioner was not considered. In this regard, Paragraph 4 and 5 of the counter affidavit states as under:

"4. It is submitted that, the centre is being running the from portion of the petitioner's house for rent. The petitioner should not have been considering for the sole reason but the respondent did not do so. She was also given an opportunity to participate in the selection. She might have known about the terms. They should sent a copy of the relevant records to show that they are eligible for appointment. The petitioner has stated that she is a widow but she did not enclose any kind of records to show that true. She has simply mentioned as widow, both she should have enclosed a copy of the year and at the time of interview she should be able to provide the original copy of the records.

5. It is submitted that, the petitioner and the third respondent was called for the interview and the third respondent was appointed based on the provided certificate which will be eligible for the appointment of Anganwadi worker. The candidate who states the averment in the application should be able to produce at the time of interview. The terms and conditions will be given in the news paper advertisement."

5. In view of the submissions made by the learned counsel for the writ petitioner as well as the special Government Pleader, this Court is of an opinion that the writ petitioner has not made out any case for quashing the appointment order of the third respondent. However, it is for the petitioner to participate in the next process of selection in accordance with the recruitment rules in force.

6. Accordingly, this writ petition is devoid of merits and stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,

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

Tuticorin District,



2. The Child Welfare Project Officer,
Child Welfare Project Office,
Tiruchendur.

+1cc to M/s.Ajmal associates Sr.No.57578
+1cc to Spl.Government Pleader Sr.No.57996

PNN

VB/KKR/SAR3/11.04.2018/4P/5C

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