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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2018
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.(MD) No.3592 of 2011

Jeyalakshmi ... Petitioner

Vs

1.The District Collector,
Theni District,
Theni.

2.The Child Development Planning Officer,
Child Development Planning Office,
Bodinayakkanoor,
Theni.

3.R. Chitra ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records resulting in the impugned order Se.Mu.Na.Ka.No.2212/A1/2009 dated 16.12.2010 passed by the first respondent herein and to quash the same as illegal and to direct the first respondent herein to appoint the petitioner herein as Anganwadi Worker in the Valayapatti-2, Anganwadi, Bodinayakkanoor, Theni District.

For Petitioner : Mr.C.Sundaravadivel

For R1 : Mrs.VPM. Vaishnavi
Government Advocate

For R2 : Mr.N.Ilango

For R3 : Mr.C.Ganesh Kumar

ORDER

The appointment of the third respondent issued vide proceeding dated 16.12.2010 is under challenge in this writ petition.

2. The petitioner states that the third respondent was appointed as Anganwadi worker and inspite of the better performance by the writ petitioner, she was not selected. It is contended that, the petitioner was called to attend the interview on 07.10.2010, for appointment to the post of Anganwadi worker. The writ petitioner participated in the interview and furnished all the required

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documents. Inspite of that, the respondents 1 and 2, selected the third respondent and issued appointment order. The petitioner states that as per Rules, the petitioner is residing in Valaiyapatti village, wherein the Anganwadi is situated and therefore the writ petitioner ought to have been given preference.

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3. The learned Government Advocate appearing on behalf of the respondents 1 and 2 states that proper selection was conducted by the authorities and marks were awarded to the candidates who appeared in the interview. Therefore, the merit assessment made by the selection committee cannot be challenged.

4. This Court is of an opinion that the merit assessment of the selection committee cannot be interfered with normal situations. If any malpractice and illegality committed during the process of selection, then alone the Court can interfere with the process of selection. In the present case, the second respondent filed the counter setting out the procedures adopted during the selection in paragraph 4, 5 and 6 which all are extracted hereunder:-

"4.It is submitted that the petitioner has applied to the vacant place of Anganwadi Worker Valayapatty II Centre in Bodinayakanur Block and sent the application to second respondent. Now the recruitment of the Anganwadi worker and helper are in roaster system, the above vacant place is allocated to MBC Category non-priority and is to be filled only by the MBC candidate, the third respondent belongs to MBC Community (MBC Category Non-Priority). So the selected applicant is MBC non-priority by the selection committee (1.District Programme Officer (ICDS), 2.Child Development Project Officer, 3.Block Development Officer, 4.Block Medical Officer).

5. It is submitted that 6 candidates attended the interview the third respondent has scored 9 marks out of 10 marks. But the petitioner scored 7 marks. The other 5 candidates have scored below 9 marks. The minimum qualification of the post is 10th Std only. So the third respondent is eligible for the post of Anganwadi worker.

6. It is submitted that the third respondent belongs Keppurenganpatty Village, in Manjinayakanpatty panchayat nearly 1 k.m., away from Valayapatty. Valayapatty village also hamlet of Manjinayakanpatty panchayat.

It is submitted that the selection committee has selected as per norms

1.MBC non-priority
2.Nativity- Keppurenganpatty,
Manjinayakanpatty Panchayat (1 k.m.,)
3.Qualification – SSLC Pass
4.Age – 31 years (07.05.1980)
5.She has answered very well (she has scored 9/10 marks)
Based on the selection committee report third respondent

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was selected as an Anganwadi worker by the first respondent."

5. In view of the fact that, the selection procedure was conducted and the third respondent was selected and appointed. The writ petitioner cannot question the same and the grounds raised in this writ petition are neither candid nor convincing.

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

Sd/
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District,
Theni.

2.The Child Development Planning Officer,
Child Development Planning Office,
Bodinayakkanoor,
Theni.

+1cc to Mr.C.Ganesh Kumar, Advocate, SR.No.57372
+1cc to M/s.Special Government Pleader,SR.No. 57611

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