

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6867 of 2011
and
M.P. (MD) No.2 and 3 of 2011

K.Jansi Rani

... Petitioner

Vs

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The District Project Officer,
Integrated Child Development Project Officer,
Thoothukudi District,
Thoothukudi.

3.Malathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned order of appointment of the third respondent vide his proceedings in Se.Mu.Na.Ka.No.3313/A1/2009 dated 18.01.2011 and quash the same as illegal and arbitrary and consequently direct the respondents to consider the petitioner's case for appointment to the post of Anganwadi Assistant within the time limit that may be stipulated by this Court.

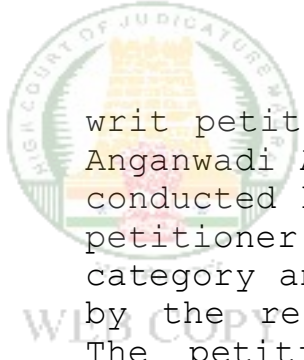
For Petitioner	: Mr.G.Thalaimutharasu
For R1 and R2	: Mrs.VPM. Vaishnavi Government Advocate
For R3	: Mr.G.Mohankumar

ORDER

The order of appointment issued in favour of the third respondent by the second respondent vide proceeding dated 18.01.2011, for the post of Anganwadi Assistant, is under challenge in this writ petition.

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

2. The learned counsel for the writ petitioner states that the



writ petitioner is fully qualified for appointment to the post of Anganwadi Assistant. She participated in the process of selection conducted by the respondents. However she was not selected. The petitioner states that she must be considered under the preferred category and the Government orders in this regard are not followed by the respondents while undertaking the process of selection. The petitioner is a widow and her case ought to have been considered under the priority category of widow. However, the third respondent was selected without considering all these factors.

3. The learned Government Advocate appearing on behalf of the respondents 1 and 2 made a submission that proper selection was conducted by following the established procedures and marks were awarded by the interview committee. The third respondent secured 27 marks out of 40 marks and the petitioner has secured only 11 marks and the details regarding the awarding of marks and norms followed by the selection committee are enumerated in Paragraph 6, 7 and 8 of the counter affidavit filed by the second respondent and the same are extracted hereunder for better appreciation:

"6. I submit that out of 5 candidates applied and attended the interview, the third respondent scored 27 marks out of 40 marks. The petitioner has scored 11 marks and the other candidates namely Sakkammal has scored 10 marks, Viji Eswari has scored 12 marks and R.Sudha has not attended interview and absent. Therefore, the third respondent alone has eligible and fit enough than the other candidates including the Writ Petitioner and hence the third respondent has selected and issued appointment order dated 18.01.2011 by the first respondent proceedings No.3313/A1/2009.

7. I submit that the selection committee has selected the third respondent as per norms.

- (1) Scheduled Caste - Non Priority
- (2) Nativity - Colony Street, Alwarkarkulam
- (3) Qualification - SSLC -X Standard Pass
- (4) Age - 32 years on the date of application

(5) She has scored 27 marks out of 40 marks and answered very well.

Based on the selection committee report, the third respondent has been selected as Anganwadi worker by the first respondent.

8. The petitioner claims and alleged that she being a widower she ought to have been granted appointment on a priority basis than the other candidates based on certain guidelines. It is most humbly submits that though a Government issued guideline to give preference to the



candidate who are widows and deserted and destitute women it is only a preference and not an eligible criteria for selection. Further the preference shall be given only to the meritorious persons and when the merit and ability approximately being equal, the preference should be considered."

4. In view of the fact that the third respondent is already in service for the past more than 7 ½ years, this Court is not inclined to unsettle the said selection in the year, 2011 and the petitioner also has not made out any ground for grant of any relief as sought for in this writ petition.

5. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The District Project Officer,
Integrated Child Development Project Officer,
Thoothukudi District,
Thoothukudi.

+ 1 cc TO The Special Government Pleader in SR No. 57616

pnn

AE/SV MMS/SAR4/11.04.2018/3P/4C

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