

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.4139 & 4143 of 2019
and
W.M.P.Nos.4647 & 4650 of 2019

Mrs.Kannagi .. Petitioner in W.P.No.4139/2019

Mrs.K.Thinamani .. Petitioner in W.P.No.4143/2019

vs

1.The District Collector,
District Collectorate
Villupuram District.

2.The District Planning Officer
Child Development Project Office,
Villupuram, Villupuram District.

3.The Project Officer,
Child Development Project Office,
Chinnasalem Union,
Villupuram District. .. Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioners as per the recommendations made by the 3rd respondent dated 16.04.2018 for the Post of Anganwadi Worker and appoint the petitioners as Anganwadi Worker in the Thensiruvallur and Ulakankathan Village, Kallkurichi Taluk, Villupuram District.

For Petitioners : Mr.V.R.Kamalanathan
(in both W.Ps)

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader
(in both W.Ps)

C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to direct the 1st and 2nd respondents to consider the petitioners as per the recommendations made by the 3rd respondent

dated 16.04.2018 for the Post of Anganwadi Worker and appoint the petitioners as Anganwadi Worker in the Thensiruvallur and Ulakankathan Village, Kallakurichi Taluk, Villupuram District.

2.The learned counsel appearing on behalf of the writ petitioners state that the petitioners had completed S.S.L.C and belongs to Scheduled Caste and Backward community. The petitioners are the residents of Thensiruvallur & Ulakankathan of Kallakurichi Taluk, Villupuram District and were appointed as Anganwadi Helper and Anganwadi Assistant in the respective Anganwadi Centres.

3.The writ petitioners are working as Anganwadi Helper and Anganwadi Assistant from the year 2007 onwards. Now, the post of Anganwadi Worker is vacant in the respective Anganwadi centres and the grievances of the writ petitioner is that they are fully eligible for appointment to the Post of Anganwadi Worker and instead of appointing the writ petitioners by way of promotion, the respondents are inviting application from the open market for the purpose of selecting a fresh candidate for appointment to the Post of Anganwadi Worker.

4.Promotions or appointments can never be claimed as a matter of legal right. However, consideration for promotion is a fundamental right of an employee. All promotions are to be made strictly in accordance in the rules in force. A decision to fill up the Post of Anganwadi Worker is to be taken at the administrative level and in the event of taking the decision, the authorities competent are bound to proceed in accordance with the rules either to fill up the Post by way of promotion or to fill up post by way of direct recruitment. In this regard, the rules for the post of Anganwadi worker is to be followed scrupulously by the authorities competent. If the post is sanctioned and an administrative decision is taken to fill up the post, then the authorities are bound to follow the rules by considering all the eligible persons, who all are aspiring to secure public post by way of selection or by way of promotion or otherwise in accordance with the rules.

5.It is needless the state that promotions per-se cannot be a right of an employee. However, in the event of undertaking process of promotion, the authorities competent are bound to consider the names of all the eligible persons, who all are aspiring to secure promotion in accordance with the rules.

6.In the present case on hand, a mere recommendation by one

authority will not confer any right on the writ petitioners. However, equal opportunity in promotions and public employment are the constitutional mandates. Thus, it is clarified that the authorities are bound to proceed with the selection or promotion by following the rules strictly and by providing an opportunity to all the eligible persons and in the event of selection, the persons eligible, must be provided with an opportunity.

7. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
District Collectorate
Villupuram District.
2. The District Planning Officer
Child Development Project Office,
Villupuram, Villupuram District.
3. The Project Officer,
Child Development Project Office,
Chinnasalem Union,
Villupuram District.

+2 cc to Mr.V.R.Kamalanathan, Advocate SR.No.12715
+1 cc to The Government Pleader, Advocate SR.No.13438

W.P.Nos.4139 & 4143 of 2019

BR(CO)
CSL/05.03.2019

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