

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAN

W.P.No.4742 of 2019

and

WMP.No.5372 of 2019

P.Lakshmi

... Petitioner

Versus

1.The District Collector,
Ariyalur, Ariyalur District.

2.The Project Officer,
Integrated Child Development Schemes,
Collectorate, Ariyalur,
Ariyalur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner for promotion to the post of Anganwadi worker by reserving 25% of the vacancies in the said post as per G.O.Ms.No.110, Social Welfare and Nutritious Meal programme (SW7) Department dated 14.05.2012.

For Petitioner : Mr.P.Rajendran

For Respondents R1&2 : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to consider the petitioner for a promotion to the post of Anganwadi worker by reserving 25% of the vacancies in the said post as per G.O.Ms.No.110, Social Welfare and Nutritious Meal programme (SW7) Department dated 14.05.2012.

2. G.O.Ms.No.110, Social Welfare and Nutritious Meal programme (SW7) Department dated 14.05.2012, provides eligibility criteria for appointment to the post of Anganwadi workers. The learned counsel for the writ petitioner states that

as per the mode of recruitment, prescribed in the above Government order, 25 percent post of the Anganwadi worker shall be reserved to be filled up Anganwadi worker, Mini worker and Anganwadi Helper who have completed 10 year of satisfactory service and also posses requisite qualifications (Age, Education, etc.,) for selection of Anganwadi workers. Thus, the Government order unambiguously enumerates that a selection process is to be conducted for the purpose of filling up of the 25 percentage of the post of Anganwadi worker from amongst the qualified employees working in the category of Anganwadi Helper. Thus, the process of selection is to be conducted even as per the Government order.

2. The relief sought for in the present writ petition is to direct the respondents to consider the petitioner for promotion to the post of Anganwadi worker. As it is this Court cannot direct the respondents to grant promotion to the writ petitioner. Promotion can never be claimed as a matter of right. However, consideration of promotion is the accordance with rules or the rights of the employees. The administrative decision in this regard is to be taken by the Competent Authorities with reference to the Government orders and rules in force. In the event of taking such a decision to fill up the post of Anganwadi worker, then the Competent Authorities are bound to follow the rules and Government orders and the guidelines issued in this regard.

3. No employee can directly seek relief of promotion by filing a writ petition. Promotions are to be granted subject to the eligibility criteria and the promotion rules in force and by considering all the eligible persons. While preparing the panel for promotion to the post of Anganwadi worker, all eligible persons who all are aspiring to secure promotions are to be considered. Thus, it is not as if, the writ petitioner filing a writ petition can get a direction for promotion to the post of Anganwadi workers.

4. Equal opportunity in promotional avenues are also the right of all the employees. Thus, the employees who all are qualified and waiting for promotions are to be considered by the Competent Authorities, while undertaking the process of selection. In respect of the Government orders, this Court is of an opinion that, a decision is to be taken with reference to the availability of vacancies and further decision at the administrative level is to be taken to fill up the post and other aspects of the matter.

5. This being the scope of the present writ petition, the relief as such sought for cannot be granted. However, it is made clear that, it is left open to the respondents to take

appropriate actions in this regard. With these clarifications, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

Pkn

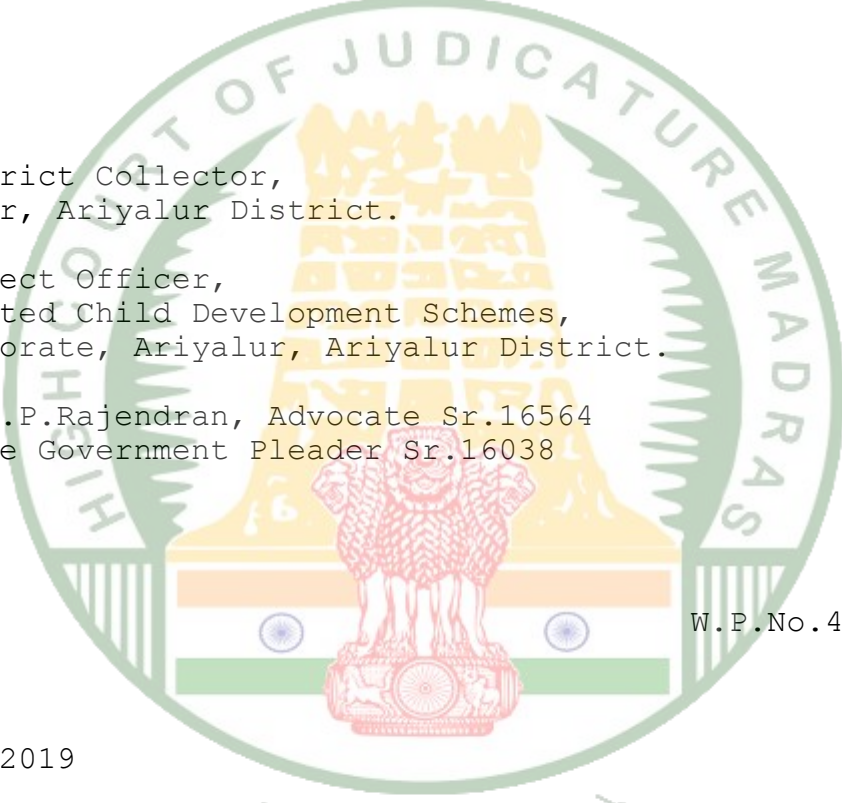
To

- 1.The District Collector,
Ariyalur, Ariyalur District.
- 2.The Project Officer,
Integrated Child Development Schemes,
Collectorate, Ariyalur, Ariyalur District.

+lcc to Mr.P.Rajendran, Advocate Sr.16564
+lcc to the Government Pleader Sr.16038

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srg 02/04/2019



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