

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.5513 of 2018
& W.M.P.Nos.6813 & 6814 of 2018

Jamunarani

...Petitioner

Vs

1. The District Programme Officer,
Integrated Child Development Services Scheme,
Dharmapuri District, Dharmapuri.
 2. The Project Officer,
The Child Development Scheme, Palacode,
Palacode Taluk, Dharmapuri District.
 3. Vimala
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Pro.Na.Ka.No.539/A1/2017 dated 09.02.2018, quash the same and issue consequential directions to first respondent herein to appoint the petitioner as Anganwadi Workder in the Mini Anganwadi Center at Kartharapatty, Palacode Taluk, Dharmapuri District.

For Petitioner : Mr.R.Dhanasekar

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader.

O R D E R

The appointment order issued in favour of the 3rd respondent for the post of Anganwadi Worker in proceeding dated 09.02.2018 is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that writ petitioner belongs to the most backward class community and passed 10th standard and she is fully qualified for appointment to the post for Anganwadi Worker, as per the norms prescribed by the Government.

3. The grievances of the writ petitioner is that the marks granted by the Selection Committee was improper and in order to select and appoint the 3rd respondent, the Committee has granted access marks to the 3rd respondent. The petitioner claims that she is the most suitable candidate as per the Government norms and the 3rd respondent is less suitable than that of the writ petitioner.

4. The learned Special Government Pleader appearing on behalf of the respondent relying on the counter affidavit filed by the respondents 1 and 2 contended that the norms issued by the 1st respondent in GOMS No.110 of the Social Welfare and Nutritious Meal Programme Department (SW7) dated 14.05.2012 and the proceedings of the Director dated 21.12.2017 as well as the proceedings of the District Programme Officer, Dharampuri dated 11.08.2017 had been scrupulously followed by calling for applications, effecting advertisement for all eligible candidates and by strictly following the Reservation procedures.

5. The Selection Committee conducted interview by verifying all the records and the marks were granted to various candidates as detailed below:

(*) Annexure
(Photostat copy of tabular column enclosed herewith)

6. As far as the petitioner is concerned, she secured 28 marks and the 3rd respondent secured 35 marks thus, the 3rd respondent was selected and appointed as Anganwadi Worker.

7. The learned counsel for the writ petitioner states that interview committee had erroneously granted access marks to the 3rd respondent. Such contention, which is not substantiated, can never be entertained at all. The wisdom of interview committee in awarding marks more specifically, in respect of certain questions asked by the committee cannot be interfered by the Courts. If there is any disability noticeable by seeing the marks, then alone the Courts can raise certain doubts about the grant of marks.

8. On a perusal of the counter affidavit filed by the respondents 1 & 2 this Court is of an opinion that the Assessments were made by the Committee with reference to various columns provided and there is no infirmity as such, apparent on record. In the event of any discrepancy apparent on record then only the Courts can interfere with the process of selection and not otherwise. Mere awarding of one or two marks more to the respondent in a particular column will not confer any right on the candidate to say that the marks awarded by the committee is erroneous. If such grievances are entertained, then the same would frustrate the entire selection process and no selection process can be conducted for appointment to the post of Anganwadi Worker. This being the factum of the case, the writ petitioner has not established any acceptable legal grounds for the purpose of granting relief, as such, sought for. Accordingly, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta/ska

To

1. The District Programme Officer,
Integrated Child Development Services Scheme,
Dharmapuri District, Dharmapuri.
2. The Project Officer,
The Child Development Scheme, Palacode,
Palacode Taluk, Dharmapuri District.

+1 cc to the Government Pleader, S.R.No.11808

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VSN-II (CO)
SSM(22/03/2019).

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