

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.712 of 2013

N.Sunitha

... Petitioner

vs.

1. The District Collector,
Krishnagiri District.
2. Child Development Project Officer,
Hosur, Krishnagiri District.
3. Parvathi ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records in Na.Ka.618/A1/12, dated 12.09.2012, the appointment order issued to the 3rd Respondent from the file of the 1st Respondent and quash the same and consequently, direct the 1st Respondent to appoint the Petitioner as Anganvadi Paniyalar for the centre Bagalur old in Krishnagiri District.

For Petitioner : Ms.R.T.Sundari

For Respondents 1 & 2 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the appointment order dated 12.09.2012 issued to the 3rd Respondent by the 1st Respondent vide Na.Ka.618/A1/12, and for a consequential direction to the 1st Respondent to appoint her as Anganvadi Paniyalar for the centre Bagalur old in Krishnagiri District.

2. According to the Petitioner, she applied to the post of Anganwadi Paniyalar to the 1st Respondent to appoint her in Bagalur Old Centre, along with nine others. But, it is her grievance that she was not selected to the said post, whereas, the 3rd Respondent, who had applied to the Centre 'Kotha Kondapalli, Karnoor', was appointed to Bagalur Old Centre.

3. Drawing reference to G.O.Ms.No.72, the Petitioner stated that a person residing in the said Centre alone is to be preferred as against any other person. She further stated that the 3rd Respondent is a Widow residing at Min Nagar, Hosur and the distance between Min Nagar and the Centre, 'Old Bagalur' is 16 kms, which is a disqualification for the 3rd Respondent. Hence, according to the Petitioner, a Widow has got preference to be appointed to a Centre, where she applied and that a Widow cannot be considered to any other Centre, when she had not applied.

4. Heard the learned counsel for the parties and gone through the material documents available on record.

5. It is seen that apart from the Petitioner, none of the nine candidates who had applied for the post of Anganwadi Paniyalar in old Bagalur Centre along with the Petitioner, were considered for appointment in the said Centre. It is also seen that the aspect of 'distance' between the residence of the candidate and the Centre, has been completely ignored. That apart, the 3rd Respondent has not applied for Old Bahalur Centre. In such case, the appointment order issued to the 3rd Respondent is bad in law and it has to be interfered with.

6. In view of the above, it is open to the Respondents 1 and 2 to accommodate the 3rd Respondent in any other place, where no other eligible candidate has participated. Insofar as Bahalur Old Centre is concerned, any one of the nine candidates including the Petitioner, who is eligible, can be considered for appointment. The said exercise shall be completed within a period of 45 days from the date of receipt of a copy of this order.

In fine, the Writ Petition is allowed with the above direction and observation. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

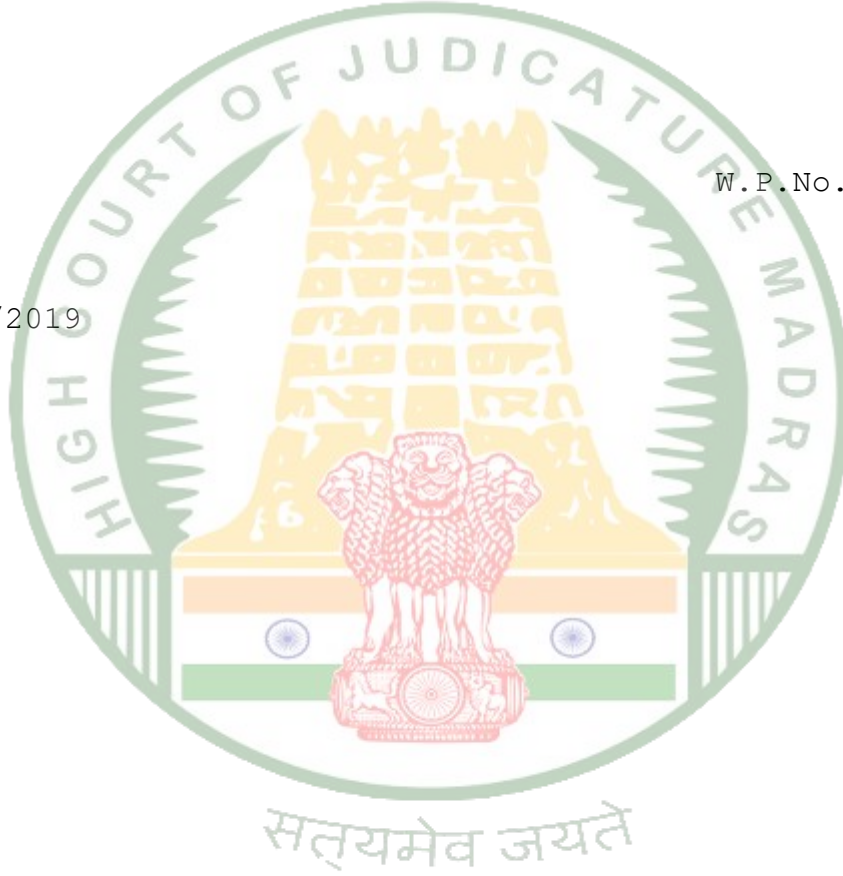
To:

1. The District Collector,
Krishnagiri District.
2. Child Development Project Officer,
Hosur, Krishnagiri District.

+lcc to the Government Pleader Sr.61252

W.P.No.712 of 2013

gp[col]
srg 08/08/2019



WEB COPY