



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.966 of 2019

Kruthiga

.... Appellant

-vs-

1. The District Collector,
Collectorate, Thiruvavarur & District.
2. The District Programme Officer,
Integrated Child Development Scheme (ICDS),
Thiruvavarur & District.
3. The Child Development Programme Officer,
Thiruvavarur & District. Respondents

Write Appeal filed under Clause 15 of Letter Patent against the order dated 06.02.2019 made in W.P.No.3513 of 2019 on the file of the High Court of Judicature at Madras, Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the respondents to appoint the petitioner as Anganwadi worker at the Azhagiri Nagar Anganwadi centre in Thiruvavarur District.

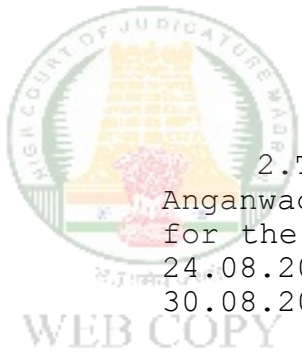
For Appellant : Mr.P.Vijendran

For Respondents: Mrs.A.Sri Jeyanthi
Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by P.T.ASHA,J.]

The above Intra-Court appeal is filed challenging the dismissal of the Writ Petition in W.P.No.3513 of 2019 filed by the appellant seeking issue of a Writ of Mandamus directing the respondents to appoint her as an Anganwadi worker at Azhagiri Nagar Anganwadi Centre in Thiruvavarur District. The facts in brief, necessary for disposing of the above Writ Appeal are as follows:



2.The 3rd respondent herein had advertised for the post of Anganwadi worker for the year 2017 and the appellant had applied for the said post. The 3rd respondent had issued a letter dated 24.08.2017, to the appellant for appearing for an interview on 30.08.2017, along with the certificates mentioned therein.

3.The appellant and four others had appeared for the interview and according to the appellant, except her application, all the other applications were rejected on the ground of insufficient documents and particulars.

4.Since the appellant was not issued with any appointment letter, her husband had made an application under Right to Information Act, seeking information about the outcome of the interview. In response to the said query, he was informed that all the five persons who have been given the interview call was not considered by the respondents therefore the appellant had made a representation on 18.01.2019 to the respondents 1 and 3 requesting them to appoint her as an Anganwadi worker for the above centre. However there was no response from the respondents.

5.The appellant would submit that the 2nd respondent, whom she had approached had stated that the place had been allotted for GT (General category) and since the appellant belong to the Schedule Caste, she could not be included in the General category. Therefore the appellant had come forward with the above Writ Petition.

6.Though, no counter was filed by the respondents the learned single Judge on admission had proceeded to dismiss the Writ Petition by stating that the appellant had not made out a cause of action for considering the relief and on the ground that the appointment cannot be claimed as a matter of right.

7.Aggrrieved by the said order the appellant is before this Court.

7.A. When the matter had come up on 22.03.2019, this Court had directed the Government Advocate to get instructions as to whether the Government proposed to continue with the process of appointment or whether they intended to seek issue a fresh notification since there were no eligible candidates.

7.B. By order dated 11.04.2019, this Court had also passed an order directing the respondent concerned to file an affidavit regarding the category for which the earlier notification had been issued, as to whether it was priority category.



7.C. The respondents took time and therefore this Court by order dated 11.06.2019, was pleased to direct the District Collector, Thiruvarur District, to be present before this Court. In compliance of the order the District Collector, Thiruvarur had appeared and a status report was also filed by the 1st respondent and a counter affidavit was filed on behalf of the 3rd respondent.

8. In the status report that has been filed, the 1st respondent would contend that five candidates had appeared for the interview and all of them were found unfit for the post advertised and the said post was reserved for the following category:

1. Deserted Women
2. Deserted Widow
3. Ex Serviceman
4. Inter-Cast Marriage
5. Physically Disabled Person
6. Widow

9. The 1st respondent would contend that the Writ petitioner did not fall within a priority category but belonged to a non priority category and for this reason she had not been considered. It is further stated that the appellant, was aware that the post is reserved only for a General category (Priority). The 1st respondent has further contended that since there were none eligible from amongst the candidates who appeared and the centre is kept vacant. The Government intends filling up this post and therefore prayed for six months time since they had to issue a publication afresh.

10. Considering the above factual situation this Court is of the view that the order passed by the learned Single Judge does not require any interference. However, taking into account the status report now filed by the 1st respondent, this Court directs the 1st respondent to implement the undertaking given in the status report by issuing publication/advertisement for the post of Anganwadi worker for Azhagiri Nagar Anganwadi center in Thiruvarur District. The 1st respondent shall, in the publication, clearly state as to whether the post for which applications were invited was a priority or a non-priority category. The publication shall be effected within a period of four weeks from the date of receipt of a copy of this Judgement. Thereafter the respondents shall proceed to select and fill up the posts and the entire exercise including the publication shall be completed within a period of four months from the date of receipt of a copy of this Judgement.



11.If the appellant submits her application, the same shall be considered and in case she is found over aged on the date of the application, suitable age relaxation shall be given to her taking into account the fact that she has made her application for appointment to the post of Anganwadi worker as early as in the year 2017.

The Writ Appeal is disposed of on the above lines. There shall be no order as to costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

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2. The District Programme Officer,
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Thiruvarur & District.
3. The Child Development Programme Officer,
Thiruvarur & District.

W.A.No.966 of 2019

PPA(CO)
SSM(02/08/2019)