

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2019

CORAM

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

W.P.NO.1334 of 2018
and W.M.P.Nos.1715 & 1716 of 2018

Janaki Petitioner

Vs

1 The District Collector
Villupuram District Villupuram.

2 The District Project Officer
Integrated Child Development Project
Villupuram.

3 The Child Development
Project Officer Kanai Block Villupuram
District.

4 Tmt.P.Umadevi Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Calling for the records of the 1st respondent in his proceedings in Se.Mu. Na.Ka. No.1958/ A1/ 2017 dated 14.12.2017 and quash the same and thereby direct the respondents 1 to 3 to appoint the petitioner for the post of Primary Anganvadi Worker in Chitheri Village Kanai Block Villupuram District.

For Petitioner :Mr.N.Suresh

For Respondents:Mr.R.S.Selvam, Govt.Advocate - for R1 & R2

Mr.V.Jayaprakash Narayanan - for R3

O R D E R

The order dated 14.12.2017 appointing the fourth respondent as Anganwadi worker is under challenge in the present writ petition.

2. Learned counsel for the petitioner states that the petitioner is fully qualified and eligible to be appointed as Anganwadi Worker. The petitioner is a destitute widow and she is more suitable for appointment to the said post. The petitioner also participated in the process of interview, but the fourth respondent was selected and appointed. Learned counsel for the petitioner states that the petitioner comes under the category of destitute widow and she must be given priority over and above the fourth respondent, who is now appointed.

3. Learned Government Advocate appearing on behalf of the respondents states that the selection procedures were followed by the authorities competent and there was no irregularity in the process of selection. The fourth respondent was found more meritorious than the writ petitioner and based on the merit and award of marks by the committee, the fourth respondent was appointed. The entire sequence of the selection process is enumerated in paragraph 5 and 6 of the counter affidavit, which is extracted here under.

"5. I submit that the first respondent issued notification calling for the suitable candidates in pursuance of Notification dated 10/08/2017 to attend the interview for filling up the post of Anganwadi worker, Mini Anganwadi Worker and Anganwadi Assistant under Integrated Child Development Scheme in Villupuram District. The said notification was issued in pursuance to the guidelines issued in G.O.Ms.No.110, Social Welfare Department dated 14/05/2012 and letter issued by the Director of Integrated Child Development Schemes, Chennai, in Letter No.Ne.Mu.No.3496/E3-2/2017 date 21/07/2017. The said notification was affixed in the notice board of District Collector Office, second and third respondent office notice board, made available in the District Collector Office website and also made publication in the Local news papers. In pursuance to the notification, the petitioner has made application for the post of Anganwadi worker at Chitheri Village Centre, Kanai Block, Villupuram District. The said centre was allotted for the candidate belongs to S.C., Non-Priority as per the communal roaster followed by the respondents. In response to the said call three candidates were participated the interview including the petitioner and fourth respondent herein at Child Development Office, Kanai, Villupuram District on 06/09/2017. In the call letter, the candidates were

directed to produce their educational and other supportive documents for perusal during the interview. The petitioner and other candidates were appeared for a interview before the committee constituted as per the recruitment procedure enumerated in G.O.Ms.No.110, Social Welfare and Noon Meal Scheme Department dated 14/05/2012 and letter issued by the Director of Integrated Child Development Schemes, Chennai in Letter No.Ne.Mu.No3496/E3-2/2017 dated 21/07/2017.

6. I further submit that both the petitioner and the 4th respondent have passed SSLC and Plus Two and both belongs to SC Community. The interview was conducted by the committee consisting of 1. Child Development Project Officer, Kanai, Villupuram District 2. The Block Medical Officer, Government Primary Health Centre, Kedar, Villupuram District 3) Assistant Director, Panchayat, Villupuram District and the selection proceedings were sent to the first respondent and appointing the eligible candidate for the post of Anganwadi worker. During the interview, the selected candidate secured more marks than the petitioner herein and therefore the committee selected the 4th respondent and recommended for appointment. The claim of the petitioner cannot be considered since the centre was earmarked for SC Non Priority as per communal roster."

4. This Court is of the opinion that the process of selection can be questioned only on a limited ground if there is irregularity or illegality or corrupt activities and the petitioner is able to produce materials to substantiate the same. The awarding of marks by the committee and the merit assessment cannot be questioned in a routine manner. When there is any gross discrepancy, the same alone can be taken judicial note of by the Courts and in all other circumstances, the merit assessment made by the authorities competent are binding on the candidates and the same cannot be questioned before the Court of law.

5. Under the circumstances, this Court is of the opinion that if at all the petitioner is able to establish her case before the authorities competent in respect of the irregularities or illegalities, if any, by the selection committee, the petitioner is at liberty to prefer an application to the District Collector, Villupuram District within four weeks

and in the event of any such application, the first respondent is directed to consider the same and pass orders on merits and in accordance with law. The first respondent shall verify the selection process completed by the committee and accordingly take a decision in this regard. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KST

To

- 1 The District Collector
Villupuram District Villupuram.
- 2 The District Project Officer
Integrated Child Development Project
Villupuram.
- 3 The Child Development
Project Officer Kanai Block Villupuram
District.

+1 cc to M/s.N.Suresh, Advocate, S.R.No.10895

+1 cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.9689

+1 cc to the Government Pleader, S.R.No.10835

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SS (CO)
SSM(26/02/2019)

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