

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.02.2019

CORAM

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

W.P.No.2546 of 2018

V.Sudha

..Petitioner

vs

1.The Collector,
Vellore District, Vellore.

2.The Child Development Scheme Officer,
Office of the Child Development Scheme Office,
Thimiri Block, Thimiri, Arcot Taluk,
Vellore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in proceedings in Na.Ka.No.5365/A1/2017 dated 26.12.17 and quash the same and to direct the 1st respondent to grant post of Anganwadi Worker to the petitioner in respect of the Chinna Salamanatham Children Center, Thimiri Panchayat, Arcot Taluk, Vellore District in respect of which the petitioner was called for an interview on 14.09.17.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The order impugned dated 26.12.2017 states that the Post of Anganwadi Worker at Chinna Salamanatham Children Center is served for priority category and therefore, the case of the writ petitioner cannot be considered.

2.The learned counsel appearing on behalf of the writ petitioner states that the 1st respondent issued a notification invoking applications for appointment to the Post of Anganwadi Worker. The original notification states that the Post is reserved for General category. Thus, the writ petitioner

submitted her application to participate in the process of selection.

3.The grievance of the writ petitioner is that she is fully qualified and eligible for the Post of Anganwadi Worker and she had undergone the selection process and selected. However, no order of appointment has been issued. Thus, the respondents have taken a different stand by informing the writ petitioner that the post is reserved for priority category and therefore, the case of the writ petitioner cannot be considered.

4.The learned counsel for the writ petitioner states that after completion of the selection process in entirety, the respondents cannot take a different stand other than that of the conditions stipulated in the original notification. Thus, the writ petitioner is entitled to be appointed in the Post of Anganwadi Worker at Chinna Salamanatham Children Center.

5.Mr.R.Senthil kumar, District Programmer Officer(ICDS), Vellore, who is present before this Court today, along with the files and assisted the learned Government Advocate appearing for the respondents.

6.The learned Government Advocate appearing on behalf of the respondents produced the original files, which states that on 12.08.2017, the recruitment notification was issued in the official website and subsequently, on 14.08.2017, wide publications were made in the local newspapers in respect of the recruitment process to be conducted for appointment to the Post of Anganwadi Worker. The last date of application is 30.08.2017. Thereafter, an amendment to the recruitment notification was issued on 31.08.2017, stating that the Post of Anganwadi Worker in Chinna Salamanatham Village is reserved for priority category and the candidates, who all are coming under the priority category alone is eligible to submit the application and the last date of application is fixed as 05.09.2017. The interview was conducted on 14.09.2017. However, no order of appointment was issued till today and the Post remains vacant.

7.The learned Government Advocate states that no doubt, the original notification was issued with some error and the error occurred in the original recruitment notification was rectified by way of an amendment and therefore, the claim of the writ petitioner is liable to be rejected. The subsequent amendment issued to the original recruitment notification clearly states that the Post of Anganwadi worker in Chinna Salamanatham Village is reserved for priority category and further, the last date of submission of application was also extended. The interview was held on 14.09.2017. However, the appointment order has not been issued for the past about one year and four months.

8.Considering the fact that the interview was conducted on 14.09.2017 and the appointment order has not been issued for the past more than one year and four months and considering the fact that the original notification states that the Post is reserved for General category and subsequently, an amendment was issued by extending the last date of application and by stating that the Post is reserved for priority category, this Court is of an opinion that a fresh selection is to be conducted in order to resolve the issues involved in the present writ petition.

9.On account of the pendency of the writ petition, lot of confusion has been aroused and this apart, for the past one year and four months, the appointing authority has not issued any appointment order in favour of any candidate and the entire process of selection is kept in abeyance for more than one year. Further, the appointment to the Post of Anganwadi Worker is for one Centre alone namely, Chinna Salamanatham village.

10.This being the factum of the case, this Court is of the considered opinion that a fresh selection is to be conducted by issuing a revised recruitment notification, enabling the candidates to submit their respective applications to participate in the selection process. The competent authorities should conduct the selection process by following the procedures strictly and in accordance with the procedures as contemplated.

11.In this view of the matter, the respondents are directed to cancel the selection process, which is kept in abeyance for the past more than one year and four months and issue a fresh recruitment notification, enabling the candidates to submit their application and to participate in the process of selection and it is made clear that the authorities competent should strictly follow the procedures and by providing equal opportunity to all the candidates, who all are aspiring to secure employment to the Post of Anganwadi Worker. The writ petitioner, if she is otherwise eligible, is at liberty to participate in the process of selection in the manner known to law.

12.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Collector,
Vellore District, Vellore.

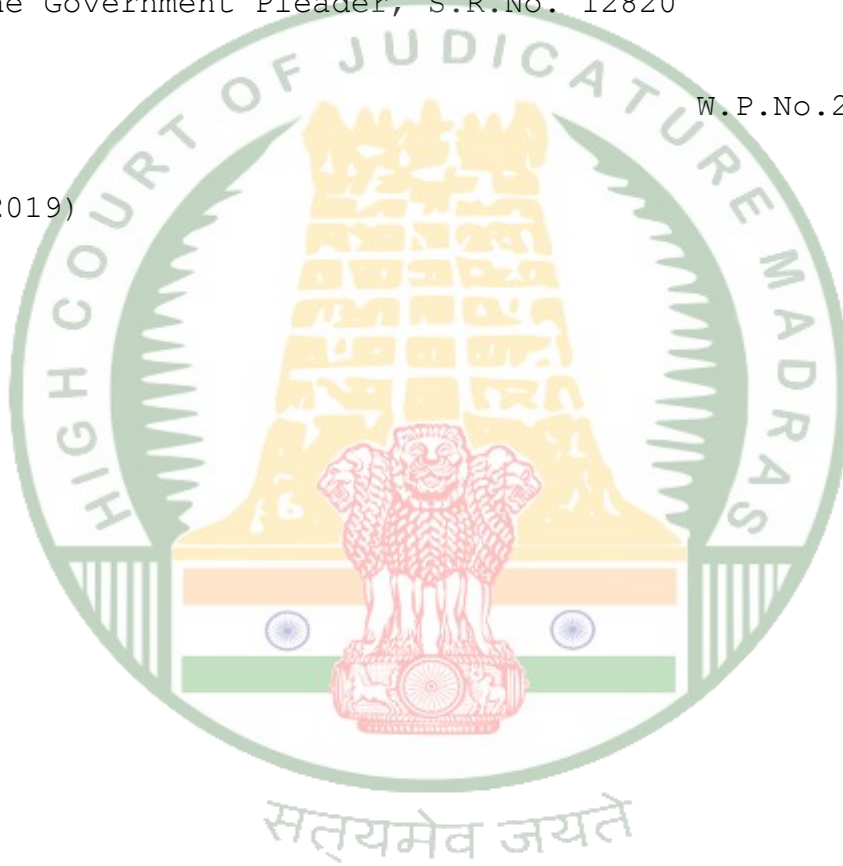
2.The Child Development Scheme Officer,
Office of the Child Development Scheme Office,
Thimiri Block, Thimiri, Arcot Taluk,
Vellore District.

+1cc to Mr. G.Jeremiah, Advocate, S.R.No. 12651

+1cc to the Government Pleader, S.R.No. 12820

W.P.No.2546 of 2018

RK(CO)
GN(05/03/2019)



WEB COPY