



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP(MD)No.5108 of 2019

and

WMP(MD)Nos.4072 and 4073 of 2019

WEB COPY

Ponmani,
W/O.Goplalakrishnan,
1/38, S.Thoppur East Street,
Kariyapatty Taluk,
Virudhunagar District.

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Child Development Planning Officer,
Kariyappaty Block,
Kariyappatty,
Virudhunagar District.

3.S.Sangeetha

... Respondents

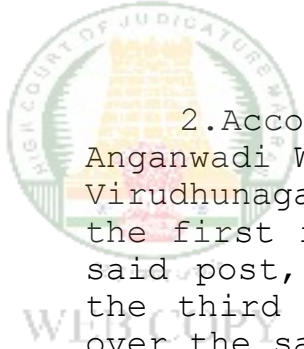
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of No. date and Na.Ka.No of selection of the 3rd respondent as Anganvadi Worker at A.Nedungulam, Anganvadi Centre, Kariyapatty Taluk, Virudhunagar District by the 1st respondent and quash the same and consequently directing the 1st respondent to appoint the petitioner as Angan Vadi Worker at Nedungulam, Angan Vadi Centre, Kariyapatty Taluk, Virudhunagar District.

For Petitioner	: Mr.R.Murugappan
For Respondent	: Mrs.J.Padmavathy Devi,
Nos.1 and 2	Special Government Pleader

For Respondent	: No appearance
No.3	

ORDER

This writ petition has been filed seeking to quash the impugned order of the first respondent and consequently direct the first respondent to appoint the petitioner as Anganwadi Worker at Nedungulam, Angan Vadi Centre, Kariyapatty Taluk, Virudhunagar District.



2. According to the petitioner, she applied for the post of Anganwadi Worker at Nedungulam Angan Vadi Centre, Kariyapatty Taluk, Virudhunagar District and also attended the interview. Thereafter, the first respondent published a list of selected candidates to the said post, wherein, the petitioner's name was not found place and the third respondent was appointed as Anganwadi Worker. Aggrieved over the same, the petitioner is before this Court.

3. Upon notice, the 2nd respondent has filed a counter affidavit and the relevant portion of the same reads thus:

"4. It is submitted that the post of Anganwadi worker at A. Nedungulam, Anganwadi Centre, Kariyapatty Taluk, Virudhunagar District, has been reserved for General class. It is further submitted that the petitioner and 81 others had applied for the post of Anganwadi worker at A. Nedungulam, Anganwadi Centre, Kariyapatty Taluk, Virudhunagar District. The petitioner and the 67 others candidate attended the interview on 21.02.2019.

5. It is submitted that the petitioner is aged about 28 years and studied upto 12th standard and she is residing 5 Km faraway from the centre. It is submitted that the 3rd respondent was aged about 34 years residing 1 ½ km far away from the centre and a B.Sc. graduate. Considering the age and the knowledge of the 3rd respondent about the scheme and performance in the interview, she was appointed.

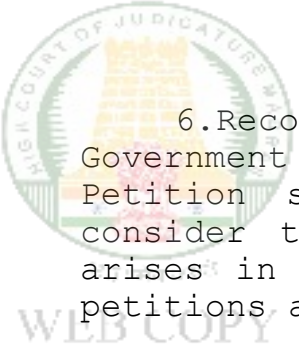
6. Regarding the averment made in ground Nos. (a) and (b) of the affidavit, it is submitted that the Centre is reserved for general turn and based on the assessment of merit and ability in the interview, the 3rd respondent, who was found suitable than all other candidates was appointed to the post.

7. Regarding averments made in ground Nos. (c) of the affidavit, it is submitted that the centre is not reserved priority category, the claim of the petitioner that she should be appointed to the post since, he is having two female child is legally unsustainable.

8. Regarding the averments made in para No. 7 of the affidavit, it is submitted that only based on the assessment of merit and ability the 3rd respondent has been appointed to the post."

4. The aforesaid averments made in the counter affidavit filed by the second respondent has been stoutly refuted by the learned counsel for the petitioner.

5. On the other hand, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the candidature of the petitioner would be considered by the respondents, if any vacancy arises in future.



6. Recording the above submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, the Writ Petition stands disposed of directing the first respondent to consider the candidature of the petitioner, as and when vacancy arises in future. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Child Development Planning Officer,
Kariyappatt Block,
Kariyappatty,
Virudhunagar District.

+1 CC to Mr. R. MURUGAPPAN, Advocate SR-56966.
+1 CC to SPL GP SR-57168.

ORDER MADE IN
WP (MD) No. 5108 of 2019
26.03.2019

CS: (07/06/2019) 3P 5C