



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1638 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

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V.R.Kavitha

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Project Officer,
Integrated Child Health Development Scheme (ICDS),
Virudhunagar, Virudhunagar District.

3.The Project Officer (CDPO),
Child Health Development Scheme,
Narikudi, Thiruchuli Taluk,
Virudhunagar District.

4.Mrs.Backialakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in Se.Mu.Na.Ka.No.1227/A1/2012 dated 27.06.2012 and quash the same and consequently, appoint the petitioner as Anganwadi Worker in Rengaiyanpatti Centre, Rengaiyanpatti Village, Thiruchuli Taluk, Virudhunagar District within a time frame to be fixed by this Court.

For Petitioner : Mr.P.Mahendran

For R1 to R3 : Mr.M.Jeyakumar,

Additional Government Pleader.

For R4 : Mr.M.Thirunavukkarasu

ORDER

The appointment order of the fourth respondent dated 27.06.2012 issued by the first respondent, is under challenge in the present Writ Petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is a widow and applied



for appointment to the post of Anganwadi Worker. The fourth respondent also participated in the process of selection for appointment to the post of Anganwadi Worker. However, the fourth respondent was selected by the Appointing Committee and appointed in the year 2012.

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3.The main contention of the writ petitioner is that the fourth respondent was not residing in the nearby village, where the Anganwadi Centre is situated. Thus, the selection of the fourth respondent was improper.

4.It is further stated that the writ petitioner is residing in Muthuramalingapuram Village, which is situated nearby Anganwadi Centre and therefore, the writ petitioner is a preferred candidate for appointment to the post of Anganwadi Worker.

5.The writ petitioner further states that the respondents 1 to 3 have not applied their mind in respect of the guidelines issued by the Government for appointment to the post of Anganwadi Worker.

6.Counter affidavit filed by the third respondent states that to fill up the vacancies in the post of Anganwadi Worker under the Integrated Child Development Scheme (ICDS), applications were called for and those willing to work in the Anganwadi Centres were required to submit their applications and further, it was communicated that preference will be given to the local women, in view of the fact that Anganwadi programme is meant for only for the kids aged between 0-5 years, cooking and supplying nutritious balls, taking care of them as well as imparting rudimentary education to the wards entrusted by the parents of such children as the parents hailing from BPL families had to be away for agricultural operations, building construction as well as '100 days deepening of tank work. As far as Rengaiyanpatti Village in Narikudi Block is concerned, 19 women applied for the post of Anganwadi Worker. Interview was held on 23.06.2012. Taking into consideration of the relevant parameters, such as residence, age, qualification, demeanor and patience, the fourth respondent was selected as a preferred candidate and she was appointed and working from 27.07.2012 onwards.

7.It is further stated that the fourth respondent has submitted her proof of residence to establish that she is residing Ilupaiyur, which is located within two kms., from Rengaiyanpatti, where the Anganwadi Centre is located, whereas the writ petitioner has produced proof to show that she is residing at Muthuramalingapuram, which is located at a distance of 7 kms. However, local enquiry conducted by the officials revealed that the writ petitioner was residing at Chennai and then after the



demise of her husband on 11.12.2011, with a view to obtain employment she has produced records as if she is residing at Muthuramalingapuram.

8. It is further stated that the writ petitioner is a B.Com., graduate with diploma in Co-operative and she is in a position to secure job in commensuration with her educational and other qualifications. On verification of this factor, the authorities competent arrived a conclusion that the fourth respondent is the more suitable candidate with reference to the guidelines issued in G.O.Ms.No.110, Social Welfare and Nutritious Meal programme (SW7) Department, dated 14.05.2012. This apart, the fourth respondent is residing within two kms., from the Anganwadi Centre. Though by virtue of higher qualification, the writ petitioner performed well in the interview, considering all other criterias and considering the job profile, for the post of Anganwadi Worker, the fourth respondent was selected and appointed by the selection authorities.

9. For the post like Anganwadi Worker, suitability of the candidate is of paramount importance, taking care of children below 5 years of age requires patience, demeanors and other criterias, so as to protect the children. Thus, beyond the educational qualifications, all these character, antecedents and suitability are to be ascertained by the selection authorities before considering the case of the persons, who are all participating in the process of selection. It is not as if higher educational qualifications alone is to be considered. Equally, the guidelines as well as other criterias, ascertaining the suitability are also to be considered at the time of conducting the process of selection. In the present case on hand, the local area authorities found that the writ petitioner was residing in Chennai all along and after the demise of her husband on 11.12.2011, with a view to obtain employment, she produced records showing that she is residing in Muthuramalingapuram. This being the factual findings of the authorities, this Court is of the considered opinion that there is no infirmity in respect of the selection made.

10. This apart, this factual findings as well as the criterias assessed by the selection committee cannot be interfered with by the Courts under Article 226 of Constitution of India, unless it is established that there is a perversity in entirety. Under that circumstances, such factual findings, which resulted in selection, cannot be interfered with by the Courts. More so, as the post is being the Anganwadi Worker and the children below 5 years of age are to be maintained, proper adequate care is to be taken by the authorities for the purpose of assessing the suitability of the candidate.



11.This apart, the fourth respondent is working for the past 7 years as Anganwadi Worker and settled appointment cannot be now unsettled after a lapse of 7 years.

12.This being the factum, this Court is of the considered opinion that there is no infirmity as such and the writ petitioner has not established any perversity, malpractice or otherwise in the process of selection.

13.Accordingly, the Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Project Officer,
Integrated Child Health Development Scheme (ICDS),
Virudhunagar, Virudhunagar District.

3.The Project Officer (CDPO),
Child Health Development Scheme,
Narikudi, Thiruchuli Taluk,
Virudhunagar District.

+1 CC to M/s.M. THIRUNAVUKKRASU, Advocate (SR-83954[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-84187[F] dated 29/08/2019)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-84334[F] dated 29/08/2019)

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