



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD).No.312 of 2014

and

MP(MD)Nos.1 and 2 of 2014

V.Deepa

... Petitioner

-Vs-

1.The District Planning Officer,
Theni District, District Collectorate,
Theni.

2.The Child Development Plan Officer,
Chinnamanoor,
Uthamapalayam Taluk,
Theni District.

3.Sangeetha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the selection of the Anganvadi worker, the anganvadi center No.2 at Sangarapuram, Chinnamanoor Panchayat Union, Uthamapalayam Taluk, Theni District, and quash the impugned order dated 17.10.2013 in Se.Mu.Na.Ka.No.1250/A1/2012, passed by the 1st respondent appointing the third respondent to the post of Anganwadi Worker in the Anganwadi Center No.2, Sangarapuram, Chinnamanoor Union, Theni District and further direct the respondents 1 and 2 to appoint the petitioner to the post of Anganwadi worker in the Anganwadi center No.2, Sangarapuram, Chinnamanoor Union, Theni District.

For Petitioner : Mr.N.Ananthapadmanabhan

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader
(for R-1 and R-2)

No Appearance (for R-3)

ORDER

The order of appointment, dated 17.10.2013, passed by the first respondent appointing the third respondent to the post of Anganwadi Worker, 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 fully qualified for



appointment to the post of Anganwadi Assistant. The writ petitioner is destitute widow and residing in the same village. Thus, the case of the writ petitioner ought to have been considered by the authorities for appointment to the post of Anganwadi Assistant. Contrarily, the third respondent was appointed under the Ex-service man quota. The counter affidavit filed by the first respondent states that the writ petitioner has applied to the vacant place of Anganwadi Worker at Sankarapuram-II, Centre in Chinnamanur Block. The recruitment to the post of Anganwadi Worker and Helper are done by following roaster system. The vacant place notified during the relevant point of time was allocated to open competitive/priority and it is to be filled up only by the local candidates. The roaster system is allotted to open competitive priority. Accordingly, the third respondent was selected. The details of the selection made are extracted in paragraph Nos.5, 6 and 7 of the counter affidavit which all are extracted hereunder:-

"5.It is submitted that the post of Anganwadi Worker and Helper cannot be considered as Civil Worker. It is a part-time work and the Worker/Helper is getting Non-standard Time Scale (i.e.Special Time Scale). This post is not coming under the category of Government Service and the Worker/Helper is not a Government Servant. Hence, the G.O.Ms.No.200/Special Welfare and Nutritious Meal Programme Development, dated 22.12.2006 could not be applicable to the petitioner.

6.It is submitted that the Selection Committee has selected Tmt.P.Sangeetha, as per norms:

- 1.Community - Most Backward Class-Priority (Piramalai Kallar)
- 2.Nativity - Local (Sankarapuram)
- 3.Qualification - SSLC - Passed
- 4.Age - 21 to 35 years (27 years)
06.06.1986.
- 5.She has answered very well.
- 6.Her father is an Ex-servicemen.

Based on the Selection Committee recommend, Tmt.P.Sangeetha, was appointed as Anganwadi Worker and joined duty on 23.10.2013 at Sankarapuram-II Centre. It is impossible to send the reply to all the non selected applicable.

7.It is further submitted that Tmt.V.Deepa, the petitioner is not residing at Sankarapuram and her native place is Vembakottai Village, 2 kms away from Sankarapuram.



I further submitted that as per the norms and basis of the Selection Committee report, the District Collector (Chairmanship of the petitioner, and also in G.O.Ms.No.110/Social Welfare and Nutritious Meal Programme Department, dated 14.05.2012 for priority cases-not compulsory to appoint the widower. It is therefore prayed that this Court may be pleased to dismiss the above petition in W.P.(MD)No.312 of 2014 and this render justice."

3.In view of the fact that the selection was conducted in the year 2013 and the third respondent, who was appointed is working in the center for more than 5 1/2 years, this Court do not find any infirmity and the writ petitioner also unable to establish any malpractice, illegality or corrupt activities in the process of selection. Thus, no further interference are necessary and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

1.The District Planning Officer,
Theni District, District Collectorate,
Theni.

2.The Child Development Plan Officer,
Chinnamanoor,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-81210[F] dated 09/08/2019)

W.P. (MD) .No.312 of 2014
08.08.2019

SJI

KK/SAR/30.08.2019/3P-4C/