



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.941 of 2014

and

MP (MD) No.1 of 2014

Kaleeswari

... Petitioner

-Vs-

- 1.The Special Commissioner
and Secretary to Government,
Social Welfare and N.N.P.
(S.W.7) Department,
Secretariat, Chennai.
- 2.The District Collector,
Sivagangai District, Sivagangai.
- 3.The District Program Officer,
Social Welfare and Nutritious Meal Program,
Sivagangai District.
- 4.The District Child Development Project Officer,
Kalayarkovil,
Sivagangai District.

5.Arockidaicy

... 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 in Se.Mu.Na.Ka.No.1193/A1/2012, dated 5.11.2013 order passed by the 2nd respondent quash the same and consequently direct the 2nd respondent to appoint the petitioner as the Mini Anganwadi worker for karuvikanmoi centre.

For Petitioner : Mr.S.Murugaian

For Respondent : Mr.M.Jeyakumar
Additional Government Pleader
(for R1 to R4)

No Appearance (for R5)



ORDER

The order of appointment appointing the fifth respondent as Mini Anganwadi Worker in proceedings, dated 05.11.2013, is under challenge in the present writ petition.

2.The writ petitioner states that she is fully qualified for appointment to the post of Mini Anganwadi Worker and she participated in the process of selection. However, the fifth respondent was selected and appointed. The learned counsel appearing on behalf of the writ petitioner states that the fifth respondent is not residing in the same village and residing in a far place. Thus, the selection was conducted improperly.

3.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 made a submission that the selection was conducted in accordance with the procedures contemplated with reference to the particular selection. The factual details are narrated in paragraph Nos.4,5,6 and 7 which are all extracted hereunder:-

"...4.It is submitted that Anganwadi Worker post for Karuvikanmai for Anganwadi center was reserved for Backward Class (Priority) other than Muslim category. Totally 6 candidates were attended the interview for this centre. Out of 6 candidates 2 candidates viz., Arockia Daisy and Vani Rani have satisfied the eligibility criteria. The writ petitioner did not satisfy the criteria fixed for that centre.

5.It is submitted that Karuvikanmai Anganwadi Centre was reserved for BC priority category. Arockia Daisy 5th respondent herein possessed all qualification, that is she belongs to BC and she is also a widow and she is living in Alagapuri Puliyadithammam very near to the Karvukanmai. She is also Elder than the petitioner. She had produced here ration card as proof of residence along with the application, so the selection committee selected Arockiya Daisy. Moreover Arockiya Daisy produced her residential certificate obtained from Tasildar, Sivagangai. Moreover her legal heir certificate also indicates that she is belongs to Alagapuri Puliyadithammam.



6.It is submitted that the petitioner Kaleeswari is married and residing at the Karuvikanmai but she is not a widow. The Centre Karuvikanmai was reserved for BC Community priority category for which Disabled Ex-service man including IPKF, Upto two members of the family (Widow/Sons/Daughters/next of kin) Destitute Widows, Inter Caste married couple (where one of the spouse belongs to SC/ST, Ex-service man and EX.IPKF (Wives, Sons and Un-married Daughter and Freedom Fighters sons and Daughters ony, Repatriation from Burma / Sri Lanka and East African countries, Land acquired for Government purpose (members of the family donors) Discharged Government Employees (State) Physically Handicapped persons can be selected. So the Selection Committee not selected Kaleeswari the petitioner for the said post.

It is submitted that the 5th respondent, Arockia Daisy belongs to Backward Community, she is a widow and she is living in the same panchayat. So the selection committee selected Arockia Daisy for the post of Anganwadi Worker for Karuvikanmai centre.

7.The G.O.Ms.No.110 reads as here under dated 14.05.2012 prescribe the following qualification for the post of Anganwadi Worker.

1.Age:

Candidate who have completed 25 years and who are not more than 35 years of age will be recruited.

2.Gender:

The Government direct that female candidates only be appointed in the post of Anganwadi Worker.

3.Education Qualification:

Qualification recommended is a pass in 10th standard for Anganwadi Worker.

4.Residency:

The Government direct that the applicant should be the resident of the same hamlet. If no eligible/suitable candidate from the same hamlet is available, the candidates from the neighboring hamlets of the same panchayat of the panchayat of the particular centre shall be considered.

5.Proof of Residence:

1.Voter ID



2.Panchayat/Municipality/Corporation Tax receipt

3.Ration Card

6.Communal Rotation:

WEB COPY The Government direct that rule of reservation and communal rotation shall be strictly followed in the appointment of Anganwadi Worker taking the concerned district as one unit as per the orders issued on G.O.No.142 SWD & NMP Department, dated 06.07.2010."

4.Apart from this facts, the fifth respondent who was appointed as Mini Anganwadi Worker, is working for the past more than 5-½ years. Thus, the said selection need not be settled after a lapse of many years. This apart, the writ petitioner has not established any malpractice, illegality or corrupt activities in the process of selection. In the absence of any such specific allegations, which is to be established in the claim of the writ petitioner, cannot be accepted.

5.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Special Commissioner
and Secretary to Government,
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(S.W.7) Department,
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- 2.The District Collector,
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- 3.The District Program Officer,
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Sivagangai District.



4.The District Child Development Project Officer,
Kalayarkovil,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-81214[F] dated 09/08/2019)

W.P. (MD) .No.941 of 2014
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