



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.942 of 2014

and

M.P. (MD) No.1 of 2014

Sudha

... Petitioner

vs.

1.The Special Commissioner
and Secretary to Government
Social Welfare & 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.Mercy Priciscilal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records in Se.Mu.Na.Ka.No.1193/A1/2012 dated 05.11.2013 order passed by the second respondent quash the same and consequently direct the second respondent to appoint the petitioner as the Mini Anganwadi Worker for Noothankanmoi centre.

For Petitioner : Mr.S.Murugaian

For Respondents : Mr.S.Dhayalan

Government Advocate for R1 to R4

No appearance for R5

O R D E R

The appointment of the fifth respondent as Mini Anganwadi Worker for Noothankanmoi Centre, vide proceedings, dated 05.11.2013, by the second respondent, 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. The Government also issued guidelines for appointment to the post of Mini Anganwadi Worker. The writ petitioner states that though she is fully qualified and participated in the interview held on 18.08.2012, she was not appointed, contrarily, the fifth respondent was appointed. The grounds raised in the present writ petition are that preference shall be given to the candidates belong to the same village, where the Anganwadi Worker is appointed. Further, the authorities have not considered the guidelines issued in G.O.(Ms) No.186, Social Welfare and Nutritious Meal Program Department, dated 04.10.2007. It is further contended that the fifth respondent belongs to the nearby village and not belongs to the same village.

3. In order to oppose the above contentions, the learned Government Advocate appearing for the respondents 1 to 4 produced a copy of the Aadhar Card of the fifth respondent, which shows that the fifth respondent is also residing in the same village. This apart, it is contended that 11 candidates attended the interview conducted for the post of Mini Anganwadi Worker. In respect of Noothankanmoi Anganwadi Centre, the post was reserved for general non-priority category. Out of, 11 candidates, Mercy Priskilal, Sudha and Michael Sasikala belong to Noothankanmai Village. Ms.Mercy Priskilal, who is the fifth respondent, was aged about 27 years and passed +2 course and belongs to B.C.Nathamam. The writ petitioner was aged about 26 years, studied 10th standard and belongs to B.C.Nathamam. As far as the other candidate, namely, Michael Priskilal is concerned, she was absent and did not appear before the Selection Committee. Thus, the Selection Committee considered the case of the writ petitioner based on the age as well as other criterias and appointed the fifth respondent as Mini Anganwadi Worker.

4. The comparative details and the particulars provided by the respondents in their counter affidavit show that the fifth respondent is elder than the writ petitioner and possessed the educational qualification of +2 course. Contrarily, the writ petitioner is younger than the fifth respondent and has studied 10th standard. Both candidates belong to the same community and same village. Under these circumstances, this Court finds no illegality and irregularity in the matter of selection and appointment of the fifth respondent as Mini Anganwadi Worker and considering the nature of the job profile of Mini Anganwadi Worker, this Court cannot go beyond the criterias fixed in the aforementioned Government Order and the writ petitioner has not established any other illegality or irregularity in the matter of selection and appointment of the fifth respondent as Mini Anganwadi Worker.



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

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To:

1. The Special Commissioner
and Secretary to Government,
Social Welfare & 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.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 81921

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and
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14.08.2019

KG (CO)

TR (27.08.2019) 3P 6C