



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2491 of 2011

and

M.P. (MD) No.2 of 2011

S.Amudha

... Petitioner

vs.

1. The District Collector
Sivagangai, Sivagangai District
2. The District Project Officer
World Bank Aided Integrated Child
Development Scheme
Sivagangai, Sivagangai District
3. The Project Officer
World Bank Aided Integrated
Child Development Scheme
Manamadurai, Sivagangai District
4. Sudhanthira

... 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 impugned order of the 2nd respondent in No.செ.மு.ந.க.எண் .3824/அ1/2009 dated 15.02.2011 and quash the same and consequently direct the 2nd respondent to appoint the petitioner in the post of Anganwadi Employee at Pappankulam Main Centre, Manamadurai, Sivagangai District.

For Petitioner : Mr.A.Prasannarajadurai

For Respondents : Mr.C.Ramar

Additional Government Pleader for R1 to R3

No appearance for R4

O R D E R

The appointment of the fourth respondent as Anganwadi Worker in Pappankulam Main Centre, Manamadurai, Sivagangai District, is under challenge in the present writ petition.

2. The learned counsel appearing for the writ petitioner states that the process of selection and appointment to the post of Anganwadi Worker in Pappankulam Main Centre, Manamadurai, Sivagangai District was improper and without assessing the aspects of the candidates individually. The writ petitioner is residing very near to the Centre. While so, the writ petitioner was not considered for appointment to the post of Anganwadi Worker in Pappankulam Main



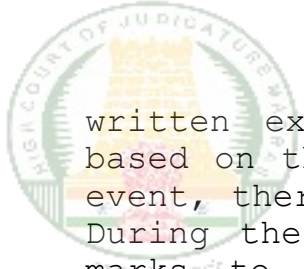
Centre, Manamadurai, Sivagangai District. Contrarily, the fourth respondent, who is residing away from the Centre, is appointed on extraneous considerations.

3. The learned counsel appearing for the writ petitioner further states that the authorities competent had not conducted the process of selection and appointment in accordance with the procedures contemplated and in order to favour the fourth respondent, they have given more marks to the fourth respondent, selected and appointed her. Therefore, the impugned order appointing the fourth respondent as Anganwadi Worker in Pappankulam Main Centre, Manamadurai, Sivagangai District, is liable to be quashed.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 states that the post of Anganwadi Worker in Pappankulam Main Centre, Manamadurai, Sivagangai District, was to be filled up under the general category reservation and communal rotation system. Totally, 11 applications were received and the applicants were issued with a call letter for certificate verification and interview. The Selection Committee consisting of the Child Development Project Officer, Medical Officer, Primary Health Centre and Block Development Officer conducted the interview. As the Integrated Child Development Service Scheme aims to improve the nutritional and health status of children of six months to three years, pregnant women and nursing mothers, including supplementary nutrition, pre-school education, immunization, health checkup referral services, the candidates were asked various questions relating to the children, pregnancy, hygiene and based on the evaluation, marks were awarded to them and as the fourth respondent had scored more marks than the other candidates, she was selected and appointed. The process of selection and appointment was conducted by following the procedures contemplated, conducting interview and awarding marks and therefore, there was no irregularity in the process of selection and appointment. The Government guidelines in this regard were strictly followed by the Selection Committee and therefore, the allegations raised by the writ petition are incorrect.

5. This Court is of the opinion that the allegations with regard to the process of selection and appointment to the post of Anganwadi Worker raised by the writ petitioner cannot be considered in view of the fact that such allegations are to be substantiated / established through some acceptable documents or evidence. The writ petitioner states that the selection was conducted improperly. However, there is no sound proof to arrive at a conclusion that the selection was not conducted in accordance with the procedures contemplated.

6. This Court is also of the considered opinion that the process of selection and appointment to the public posts is to be conducted only through open competitive process and conducting a



written examination. Selecting and appointing candidates solely based on the interview is undoubtedly not desirable and in such an event, there is a possibility of malpractice and corrupt activities. During the course of interview, it is possible for awarding more marks to the candidate on extraneous considerations. If the interview alone is a criteria for selection and appointment to the public posts, then it would pave a way for corrupt activities and hence, the interview marks are to be restricted to 15% alone as per the decision of the Honourable Supreme Court. Even for the Group-IV posts, process of selection and appointment should be by conducting a written examination, which is to be followed by an interview and awarding marks in the interview is to be restricted to 15%. Then only, clean and transparent can be maintained in the process of selection and appointment to the public posts.

7. Large number of litigations are filed before the High Court questioning the process of selection and appointment to the public posts on the grounds of favoritism and corrupt activities. Undoubtedly, there is a scope for such favoritism and corrupt activities in view of the fact the process of selection and appointment to the public posts, more specifically Noon Meals Organizer, Night Watchman, Assistant etc., is solely based on the interview. The authorities competent have to conduct the process of selection and appointment through written examination, which is to be followed by an interview. The open competitive process is to be followed strictly and the procedures contemplated are to be adopted for selection and appointment to the Group-IV posts also. This being the principles to be followed, this Court is of the considered opinion that all future appointments are to be made under the constitutional scheme, through open competitive process, in order to avoid all such discrepancies and unnecessary litigations.

8. As far as the present writ petition is concerned, though certain allegations of malpractice have been stated, the same have not been established / substantiated and the writ petitioner is also unable to establish / substantiate the same by producing acceptable documents or evidence. This apart, the fourth respondent was appointed as Anganwadi Worker in Idaikattur Main Centre, Manamadurai, Sivagangai District during the year 2011 and is working for more than seven years. Under these circumstances, this Court is not inclined to interfere with the impugned order of appointment issued in favour of the fourth respondent at this length of time.

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

sd/
Assistant Registrar(AS)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The District Project Officer,
World Bank Aided Integrated Child
Development Scheme,
Sivagangai, Sivagangai District.
- 3.The Project Officer,
World Bank Aided Integrated
Child Development Scheme,
Manamadurai, Sivagangai District.

+1 CC to Mr.NA .PALANIYANDI, Advocate (SR-67530[F] dated
10/06/2019)

W.P. (MD) No.2491 of 2011

and

M.P. (MD) No.2 of 2011

07.06.2019

(2/2)

KRK

MK (17.06.2019) 4P 5C