



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P[MD]No.3941 of 2011

P.Panchavarnam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Project Officer,
Child Development Scheme,
Kallikudi, Madurai District.

3.Pappathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with appointment order in Se.Mu.Na.Ka.No.1821/A1/2010 dated 07.02.2011 on the file of the first respondent and quash the same as illegal and consequently directing the first respondent to appoint the petitioner as Ankanvadi Assistant in the Ankanvadi Center, Latchumanapuram at Kallanai with effect from 07.02.2011 in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.R.Alagumani
For Respondents 1 & 2	: Mr.M.Jeyakumar
	Additional Government Pleader
For Respondent No.3	: No appearance

O R D E R

The appointment of the third petitioner as Ankanvadi Assistant in Ankanvadi Center, Latchumanapuram at Kallanai, is under challenge in the present Writ Petition.

2.The learned Counsel for the writ petitioner states that the writ petitioner also participated in the process of selection for appointment to the post of Ankanvadi Assistant and without considering the case of the writ petitioner, the third respondent was appointed contrary to the merits as well as in violation of the Rules. It is admitted by the writ petitioner that the necessary qualification for the post are as follows:

"i. Married women between the age of 20-35.

ii. As on 16.08.2010, the candidate shall complete the age of 20 years and shall not completed 35 years of age.

iii. Widow / Deserted wife are getting 5 years



age relaxation. They can apply for the post upto 40 years of age.

iv. The candidate must be reside in the same village where the Ankanvadi is situated or she may be the resident of the same Panchayat.

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v. In cases of Corporations and Municipalities the candidates must be the resident of the same ward.

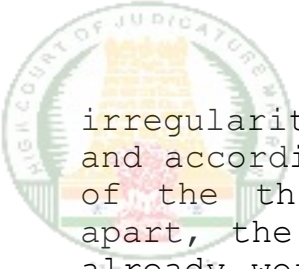
vi. She must be having the knowledge of writing and reading."

3.The learned Counsel for the writ petitioner states that the comparative merits are not assessed by the competent authorities, while selecting and appointing the third respondent for the post of Ankanvadi Assistant. Thus, the appointment of the third respondent is liable to be set aside.

4.The learned Additional Government Pleader for the official respondents opposed the contention by stating that the writ petitioner as well as the third respondent participated in the process of selection and during the interview, various comparative factual details as well as the merits were considered by the competent authorities and the interview committee found that the third respondent was more meritorious than the writ petitioner and accordingly, appointed the third respondent to the post of Ankanvadi Assistant. The comparative statement between the petitioner and the third respondent is extracted in the counter as under:

Sl. No.	Particulars	Tmt. Panchavarnam the Petitioner herein	Tmt. Pappathi, the 3 rd respondent
1.	Educational qualification	4 th standard fail	4 th standard
2.	Date of birth	04.04.1980	07.05.1978
3.	Caste	BC	BC
4.	Marital status	Married - 3 children FP not done	Married - 3 female Children - FP done
5.	Distance	1 Km	3 Km

5.On a perusal of the comparative statement produced by the respondents, this Court is of the opinion that the writ petitioner is 4th standard fail and the third respondent is 4th standard pass. The date of birth of the writ petitioner is 04.04.1980 and the date of birth of the third respondent is 07.05.1978. Both the candidates belong to BC community. The third respondent is having three children and family planning done. The writ petitioner is also married and having three children and family planning is not done. This being the comparative merit statement provided in the counter statement, this Court is unable to find any merit in the process of selection. In the event of any malpractice or corrupt activities or



irregularities, the process of selection cannot be interfered with and accordingly, the very relief sought for to quash the appointment of the third respondent deserves no merit consideration. This apart, the third respondent was appointed during the year 2011 and already working in the post of Ankanvadi Assistant for more than 8 years and thus, this Court is not inclined to consider the present writ petition.

6. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Project Officer,
Child Development Scheme,
Kallikudi, Madurai District.

+1 CC to M/s.SPL GP (SR-67626[F] dated 10/06/2019)

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CS: (19/06/2019) 3P 4C