



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

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

W.P. (MD) No. 4653 of 2011

and

M.P. (MD) .No.1 of 2011

Umamaheswari

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

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

3.The Project Officer,
Integrated Child Development Scheme,
Melur,
Madurai District.

4.B.Vanitha

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent in No.செ.மு.ந.க.எண். 1821/m1/2010 dated 07.02.2011 and quash the same as illegal and consequently, direct the first respondent to appoint the petitioner in post of Anganwadi Employee at Anganwadi Centre, Kalainagar Nagar, Melur, Madurai District.

For Petitioner	: Mr.S.Muthalraj
For R1&R2	: Mr.D.Muruganandam
	Additional Government Pleader
For R4	: Mr.S.Jothimani

ORDER

The appointment order, dated 07.02.2011 appointing the fourth respondent as Anganwadi worker at Anganwadi Centre, Kalainayar Nagar, Melur, Madurai District, is under challenge in this writ petition.

2.The learned counsel appearing for the petitioner states that the petitioner has also participated in the process of interview



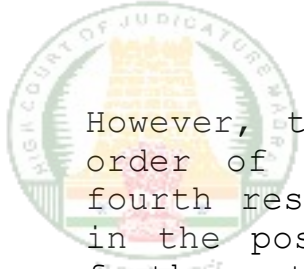
for appointment to the post of Anganwadi worker. The petitioner is fully qualified for appointment and the fourth respondent was selected and appointed in an improper manner. The Process of selection was not conducted in accordance with the established procedure. Thus, the order of appointment is liable to be set aside.

3.The learned Additional Government Pleader appearing on behalf of the respondent Nos.1 and 2 oppose the said contention by stating that the interview was conducted by the competent authority and considering the age, place of residence and other criteria, the fourth respondent was selected and appointed.

4.Though this Court is not convinced with the procedures adopted for the purpose of concluding the selection, the same cannot be interfered with after this length of time. Undoubtedly, any process of selection to a public post must be done through the established procedures in a transparent manner. Even for clause-IV services, appointments are to be made by following the established procedures and by conducting a mere interview, an appointment order cannot be issued. If such course of selection is permitted, there is a possibility of irregularities illegalities and corrupt activities. The discretion of the competent authority in the process of selection must be minimized. The Supreme Court of India issued guidelines that the selection process must be transparent and the authorities competent must ensure that equal opportunity is provided to all the candidates, who are all aspiring to secure employment. Thus, the established procedures are to be followed for the purpose of selection of candidates for appointment to the public post. The facts placed before this court reveals that no such established procedures were followed, no written test was conducted, no marks were awarded on certain facts and the documents produced by the candidates concerned, for each criteria separate marks are to be awarded, for the purpose of conducting the selection in a transparent manner. However, no such process has been adopted and therefore, this Court has no hesitation in coming to the conclusion that the procedure for selection was not transparent and the selections are made in closed door, which is never in permissible. In such an event, there is a possibility of corrupt activity even otherwise also the authorities competent may select and appoint candidates of their own choice. This apart, there is a possibility of local political influence. All such unwanted pressure and influence sought to be averted in order to implement the constitutional principles. The State being a model employer should ensure that the appointments are made by providing equal opportunity and by following the established procedures. This being the principles to be followed, while conducting the process of selection.

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

5.This Court is of the opinion that the process of selection conducted in the present case is neither candid nor convincing.



However, this Court is unable to interfere with the appointment order of the fourth respondent, in view of the fact that the fourth respondent was appointed during the year 2011 and serving in the post of Anganwadi Worker for the past about 8 years and further, the fourth respondent was promoted to the next higher post of Village Health Nurse. Under these circumstances, it is not preferable to interfere with the order of appointment issued in the year 2011.

6. However, the District Collector/first respondent is directed to derive an established procedure for the purpose of selection and appointment of these categories and issue appropriate circulars/instructions to all the authorities, enabling them to follow the procedure carefully and transparently, while conducting selection process in future.

7. With these observations, the writ petition stands disposed of. No costs. Consequently, the connected M.P is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Madurai,
Madurai District.

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

+1 CC to M/s.SPL GP (SR-68323[F] dated 12/06/2019)

+1 CC to M/s.S.MUTHALRAJ, Advocate (SR-68386[F] dated 13/06/2019)

+1 CC to M/s.S.JOTHIMANI, Advocate (SR-68060[F] dated 11/06/2019)

NS

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