



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.9182 of 2013

A.Subashini

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Programme Officer (ICDS),
Anna Nagar (Near Old Bus Stand),
Ramanathapuram Town,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

4.Senthila

... Respondents

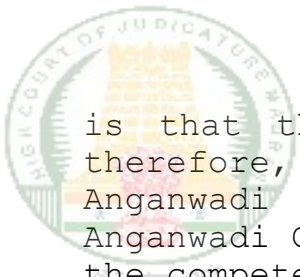
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the impugned order issued in e.f.vz;.930/ml/2012 ehs;;14.08.2012 and quash the same and consequently, direct the respondents 1 to 3 to appoint the petitioner as Anganwadi Worker in Vagavayal Centre, Nainarkovil Panchayat Union, Paramakudi Taluk.

For Petitioner	: Mr.N.Mohidheen Basha
For R1 to R3	: Mr.K.Mu.Muthu, Additional Government Pleader.
For R4	: Mr.C.Venkatesa Kumar, for M/s.Ajmal Associates.

ORDER

The appointment order of the fourth respondent dated 14.08.2012 to the post of Anganwadi Worker in Vagavayal Centre, Nainarkovil Panchayat Union, Paramakudi Taluk, is under challenge in the present Writ Petition.

2.The writ petitioner claims that she is fully qualified for appointment to the post of Anganwadi Worker as per the rules in force. The petitioner as well as the fourth respondent participated in the process of selection and the grievance of the writ petitioner



is that the fourth respondent is residing in far of place and therefore, she is not eligible for appointment to the post of Anganwadi Worker. When the writ petitioner is residing nearby Anganwadi Centre, she should have been appointed to the said post by the competent authorities.

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3.The learned counsel appearing on behalf of the fourth respondent states that the fourth respondent is also residing nearby Anganwadi Centre and the allegation of the writ petitioner that the fourth respondent is residing in far of place is incorrect.

4.Counter filed by the second respondent states that the writ petitioner as well as the fourth respondent participated in the process of selection. The personal interview was conducted by the competent authorities. The details of the age and the distance between the resident and Centre is mentioned as follows:-

Sl.No.	Details	Residence	Age	Distance between Resident and Centre
1.	N.Pongavalli	Udhayakudi	26	3 Km.
2.	R.Subashini	Manakudi	27	2 Km.
3.	Senthila W/o. Ashok Kumar	Manakudi	32	2 Km.

5.It is further stated that the fourth respondent was found more suitable for appointment to the post of Anganwadi Worker and the authorities competent verified the correctness of the residential certificate produced by the fourth respondent Senthila W/o.Ashok Kumar. A report was sought for from the Tahsildar, Paramakudi. The said report submitted by the Tahsildar, disclosed that the fourth respondent is the daughter of one Ramu and she had been living in Manakudi Village for the past 30 years and before 9 years she married to one Ashok Kumar, S/o. Gurusamy, Mullikudi Village, Thiruvadanai Taluk and the couple have a son, Kamalesh (7 years) and a daughter, Harishma (5 years) and further due to certain misunderstanding between the husband and wife, the said Senthila is residing at her father's house along with her two children for the past two years and her children are studying in Standard I and II at the Panchayat Union Elementary School, Manakudi Village, in which the Centre is situated.

6.A perusal of the entire counter affidavit, it is clear that the correctness of the residential certificate produced by the fourth respondent was verified by obtaining report from the Tahsildar, Paramakudi. Based on the report submitted by the Tahsildar, Paramakudi, a decision was taken in this regard and accordingly, the fourth respondent was appointed.



7.This being the factum regarding the exercise done by the competent authorities, this Court is of the considered opinion that very statement made by the writ petitioner that the fourth respondent is residing in far of place cannot be accepted and the writ petitioner has not submitted any proof to show that the fourth respondent is residing in far of place. In the absence of any such evidence, this Court cannot entertain such a ground. This apart, the fourth respondent is working in the post of Anganwadi Worker for the past 6 ½ years. Under these circumstances, this Court is not inclined to consider the relief as such sought for in the present Writ Petition.

8.Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

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Anna Nagar (Near Old Bus Stand),
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Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

+1 CC to SPL GP SR-67902.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-67927.

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CS: (17/06/2019) 3P 6C