

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.14020 of 2014

and

MP No.2 of 2014

and

W.M.P. No.26747 of 2017

E.Jayanthi

... Petitioner

vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Project Officer,
Tiruvannamalai District,
Tiruvannamalai.

3. The Child Development Project Officer,
Integrated Child Development Scheme,
Kalasapakkam,
Thiruvannamalai District.

4. The Child Development Project Officer,
O/o.The Child Development Office,
Kalasapakkam,
Tiruvannamalai District.

5. Subashini

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent pertaining to his order which is made in Se.Mu.Na.Ka.No.1173/A1/2008, signed dated 26.02.2011 and the order of the 4th Respondent, which is made in Na.Ka.No.77/2014, dated 13.05.2014 and quash the same and consequently direct the Respondents 1 to 4 to appoint the Petitioner as Anganwadi Small Centre Worker at Pirayampattu Village with all consequential service benefits.

For Petitioner : Mr.R.Malaichamy

For Respondents 1 to 4 : Mr.S.Thangavel,
Special Government Pleader

For 5th Respondent : Mr.K.Govi Ganesan

ORDER

(This order has been heard through video conferencing)

Petitioner has come up with this Writ Petition seeking to quash the order dated 26.02.2011 passed by the 2nd Respondent vide Se.Mu.Na.Ka.No.1173/A1/2008 and the order dated 13.05.2014 passed by the 4th Respondent vide Na.Ka.No.77/2014, and for a consequential direction to Respondents 1 to 4 to appoint her as Anganwadi Small Centre Worker at Pirayampattu Village, with all consequential service benefits.

2. According to the Petitioner, she is a married woman hailing from a poor family and a permanent resident of Pirayampattu Village, Poondi Post, Polur Taluk, Tiruvannamalai District.

3. The 3rd Respondent herein called for candidates for appointment to the post of Anganwadi worker and the Petitioner attended the interview on 06.10.2009 and produced relevant Certificates required by him. Though, according to the Petitioner, she is the only eligible candidate for being considered for appointment to the post of Anganwadi worker in Pirayampattu Village, the 2nd Respondent appointed the 5th Respondent herein to the post of Anganwadi Small Centre Worker vide order dated 26.02.2011, as recommended by the 3rd Respondent.

4. The Petitioner stated that, the 5th Respondent produced false Certificates regarding her nativity and that, she is not a native of Pirayampattu Village. According to her, the 5th Respondent is originally a native of Pillur, Poondi Post and that, after her marriage, she got settled with her husband in Arni, Vellore District.

5. It is the case of the Petitioner that, the selected candidate must belong to the native Village, where the Anganwadi Centre is situated. Thus, according to the Petitioner, she ought to be selected and appointed to the post of Anganwadi worker in Pirayampattu Village and the selection of the 5th Respondent is in total violation of the guidelines issued by the Government, from time to time.

6. In respect of her grievance, the Petitioner made representations dated 12.03.2011 and 26.03.2011 to the 1st Respondent. As there was no reply to the same, the Petitioner preferred W.P.No.20104 of 2011 and the same came to be disposed of on 07.04.2014 with a direction to the 1st Respondent therein to consider the Petitioner's representation on merits and in accordance with law within a period of eight weeks. Thereafter, the 4th Respondent, by an order dated 13.05.2014, rejected the Petitioner's case stating that, the 5th Respondent is four years older than the Petitioner and that, she was selected only considering her age criteria. Hence, the present Writ Petition.

7. Learned counsel for the Petitioner contended that, as per the Government Order in G.O.Ms.No.163, Social Welfare and Nutritious Meal Programme Department, dated 18.09.2010, candidates for appointment to the post of Anganwadi worker should reside within 3 kms from the place of posting. However, in the present case, the 5th Respondent was earlier posted as Anganwadi worker at Thenmathimangalam Village, which is situated nearly 10kms away from Pirayampattu Village and that, now she is working as Anganwadi worker at Vishwanthangal Anganwadi Centre, Arni Taluk. Thus, according to the learned counsel, the 5th Respondent is not eligible to be appointed to the post of Anganwadi worker. Contending violation of G.O.Ms.No.163, dated 18.09.2010, learned counsel sought to quash the impugned order insofar as the 5th Respondent is concerned and the consequential order dated 13.05.2014 passed by the 4th Respondent herein.

8. On the other hand, learned counsel appearing for the 5th Respondent submitted that, the issue in question is squarely covered by a decision of this Court in the case of S.Manjula v. The District Collector, Sivagangai District reported in 2013 (2) CWC 900.

9. Learned Special Government Pleader appearing for Respondents 1 to 4 submitted that, if any vacancy for the post of 'Anganwadi worker' arises in Pirayampattu Village in future, the Petitioner will be permitted to participate in the selection process and her candidature will be considered, if she satisfies the requisite conditions.

10. Having regard to the submissions made by the learned counsel on either side, this Court is of the view that distance alone is not the eligible criteria to appoint a person to the post of Anganwadi worker. However, without going into the merits of this case, this Court directs Respondents 1 to 4 herein to permit the Petitioner to participate in the selection process for appointment to the post of Anganwadi worker, if any vacancy arises in Pirayampattu Village, and consider her candidature for appointment to the said post, if she is otherwise eligible.

11. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Project Officer,
Tiruvannamalai District,
Tiruvannamalai.
3. The Child Development Project Officer,
Integrated Child Development Scheme,
Kalasapakkam,
Thiruvannamalai District.
4. The Child Development Project Officer,
O/o.The Child Development Office,
Kalasapakkam,
Tiruvannamalai District.

+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.37259
+1cc to M/s.R.Malaichamy, Advocate, S.R.No.37004
+1cc to the Government Pleader in SR.NO..37180

W.P.No.14020 of 2014

GMR(CO)
RV(08/12/2020)



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