



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

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

W.P. (MD)No.15068 of 2012

WEB COPY

Sudha

... Petitioner

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Project Officer,
Dindigul,
Dindigul District.

3.The Project Officer,
Integrated Child Department Service Scheme,
Aathoor,
Dindigul District.

4.K.Umamaheswari

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to order passed by the 1st Respondent in Che.Mu.Na.Ka.No.1310/21/2012, dated 30.08.2012 quash the same and consequently, direct the 1st respondent appoint the petitioner as a Anganvadi Assistant in Palaiya Vakkampatti, Aathoor Taluk, Dindigul District.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.P.Mahendran
(R1 To R3) Addl.Govt.Pleader

O R D E R

The appointment order of 4th respondent, as Anganwadi Assistant, is under challenge in the present Writ Petition.

2. The 4th respondent was appointed in proceedings dated 30.08.2012. The grounds raised by the Writ Petitioner is that the guidelines issued in G.O.Ms.No.110, dated 14.05.2012, was violated and the petitioner is fully qualified for the post of Anganwadi Assistant. The petitioner is residing in the same hamlet, but the 4th respondent is residing in nearby hamlet. Without considering these aspects and in violation of G.O.Ms.No.110, the 4th respondent was appointed.



3. The counter filed by the 3rd respondent reveals the fact that the procedures contemplated are not violated. The Selection Committee was constituted by the order of the District Collector and Committee consists of Child Development Project Officer, Medical Officer, Primary Health Centre and Personal Assistant To Collector (Noon Meals), Dindigul, and the Programme Officer ICDS Cell. The Committee considered all these aspects with reference to the Government Order and conducted the process of selection. The details of the selection process is narrated in para 4 of the counter, which is extracted hereunder :

"4. It is respectfully submitted that the averments of the petitioner herein in grounds paragraphs 'I' to 'v' are denied as false. Only on the basis of performance in the interview, the 4th respondent was preferred over 7 women candidates, who participated in the interview held on 04.08.2012. In fact, the 4th respondent was preferred by the Selection Committee over other 6 candidates as she was found to possess good communication skill and sufficient knowledge about the scheme which were the major pre-requisites for selection as Anganwadi Worker. The necessary facts available to the Selection Committee are as follows:-

S.No.	Particulars	Petitioner Sudha	4 th Respondent Umamaheswari
1	Age	32	30
2	Qualification	10 th Std.,	Plus Two
3	Community	SC	SC
4	Marital Status	Married	Married
5.	Husband	Workshop	Collie
6	Children	2	2
7.	House	..	..
8.	Distance	1 K.M.	2 K.M
9.	Marks Scored	6	8

Apart from this, the performance of the petitioner was found to be average, whereas the 4th respondent performed well at the interview and hence, she was preferred. Hence as per the parameters viz., residence, age, qualification, demeanor and patience prescribed by the Government, the 4th respondent was preferred over 7 other participants including the petitioner herein and that she is serving without any blemish or complaint from the parents of the



well settled that no one who participated in the interview has indefeasible legal right to insist that she alone must be appointed and hence the petitioner herein is not entitled for the discretionary relief of this Hon'ble Court much less the prayer sought for which is liable for dismissal in limine."

4. In view of the facts and circumstance, the grounds raised in the present Writ Petition is untenable and further, the 4th respondent is working in the said post for the past about 8 years and under these circumstances, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Project Officer,
Dindigul,
Dindigul District.

3.The Project Officer,
Integrated Child Department Service Scheme,
Aathoor,
Dindigul District.

+1 CC to M/s.GP (SR-22628[F] dated 24/11/2020)

W.P. (MD) No.15068 of 2012
23.11.2020

SSS (CO)

KK(03.12.2020) 3P 5C