



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.7583 of 2013

K.Thangamani

... Petitioner

Vs.

1.The Principal Secretary / Special Commissioner,
Department of Integrated Child Development Services Scheme
Pammal Nallathambi Street,
Periyar Nagar, Tharamani,
Chennai 600 113.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Project Officer,
Office of the ICDS,
Virudhunagar District,
Virudhunagar.

4.Sathyabama

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent in his proceedings in Se.Mu.Na.Ka.No.1227/A1/2012, dated 27.06.2012 and quash the same and consequently, directing the 2nd respondent to appoint the petitioner as Anganwadi Worker at Markkaanathapuram Centre, Sttur Taluk, Virudhunagar District, by considering her representation, dated 13.07.2012.

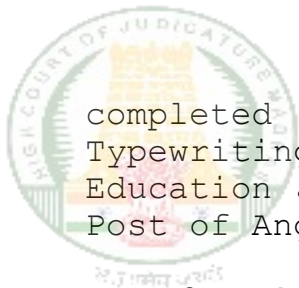
For Petitioner : Mr.M.Solaisamy
For Respondents : Mr.P.Mahendran
(R1 to R3) Addl.Govt.Pleader

For Respondent-4 : Mr.A.Nataraj

O R D E R

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

2. The learned counsel appearing for the petitioner made a submission that the petitioner is fully qualified for appointment to the post of Anganwadi Worker. She had completed 'First Aid and Mother-Child Health Training'. This apart, the petitioner has



completed 'Senior Grade' in English and Junior grade in Tamil Typewriting. The petitioner passed 'Office Automation' in Computer Education also. Thus, she is fully qualified for appointment to the Post of Anganwadi worker.

3. The grievances of the writ petitioner is that she also belongs to the same village and the writ petitioner is senior to the 4th respondent as well as in employment registration. In spite of the fact that the writ petitioner is qualified in a better manner and the senior in Employment Seniority, her case was not considered and the 4th respondent was appointed.

4. The process of selection can be questioned by the candidates only if there is any illegality, corrupt activities or otherwise. Mere eligibility or higher qualifications would not confer any right on the candidates to seek appointment to a particular posts. The Courts are bound to verify whether the procedures contemplated are followed or not. A fair procedure is followed for selection to the post of Anganwadi worker, then, the Court cannot interfere with the decision taken by the Appointment Committee, in the matter of selecting candidates. The Selection Committee once followed the procedures and selected the candidates, the said selection cannot be questioned in a routine manner or on the ground that the other candidates are possessing higher qualifications or better eligibility.

5. The counter filed by the 3rd respondent reveals that the Writ Petitioner also participated in the process of selection. The details of procedures followed by the Selection Committee under the Chairmanship of the Deputy Collector, Virudhunagar, is narrated in the counter itself. Para 8 of the counter reads as under :-

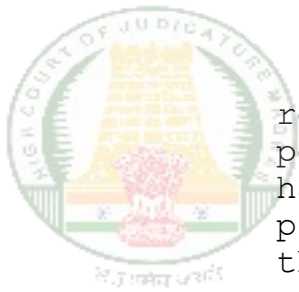
"8. It is submitted that at this juncture, it is necessary to extract the primary required contingencies to be a Anganwadi Worker as follows:-

(I) The candidates shall pass S.S.L.C.,
(10th Std.,)

(ii) The candidates shall have the age
between 25 to 35 (For widows 4)

(iii) The candidates shall be the
resident of the area where the
Anganwadi Centre is located.

In view of the above said conditions, among all other candidates the 4th respondent has absolutely fulfilled the eligible conditions as well as she had performed well in the interview comparing with other candidates. The selection committee will



required conditions, but also the way they performed in the interview with regard to the handling of child, understanding of general child psychology and on all other aspects. In so far as the petitioner is concerned, except the primary conditions, she had not performed well in the interview and also she had not satisfied the selection committee as well. But the 4th respondent had fulfilled the primary recovered conditions and also satisfied the selection committee as well. Then only the 4th respondent was duly selected by the selection committee and subsequently the appointment order in Se.Mu.Na.Ka.No.1227/A1/2012, dated 27.06.2012 by the 2nd respondent."

6. In view of the fact that the process of selection was conducted by following the procedures and the Writ Petitioner also had participated in the process of selection, now there is no acceptable grounds so as to interfere with the selection and to consider the relief sought for. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Principal Secretary / Special Commissioner,
Department of Integrated Child Development Services Scheme
Pammal Nallathambi Street,
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2.The District Collector,
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Virudhunagar.

3.The Project Officer,
Office of the ICDS,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-22689[F] dated 24/11/2020)

W.P. (MD)No.7583 of 2013
23.11.2020

PM(CO)

<https://hccs3.courts.gov.in/cse/vices3p5c>