



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.17011 of 2014

and

MP (MD) No.1 of 2014

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R.Thaiyal Nayagi

... Petitioner

-Vs-

1.The District Collector,
Thanjavur (DT),
Thanjavur.

2.The Child Development Project Officer,
Thirupunantha,
Thanjavur (DT),
Thanjavur.

3.D.Malathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records from the first respondent in his proceedings in Se.Mu.Na.Ka.No.750/A1/2012 dated 11.10.2013 and quash the same and consequently direct the first and second respondent to appoint the petitioner in the place of the third respondent within a time frame that may be stipulated by this Court.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.P.Mahendran
Additional Government Pleader
(for R1 and R2)
Mr.S.Rajaprabhu (for R3)

ORDER

The order of appointment appointing the third respondent as Anganwadi Helper, is under challenge in the present writ petition.

2.The third respondent was appointed in proceedings, dated 11.10.2013 and working as Anganwadi Helper for the past about seven years. The contention of the writ petitioner is that the third respondent is not residing within the Village and she is residing in a far of place, which is in violation of the Government Orders issued in G.O.Ms.No.110, thus, the appointment of the third respondent is irregular. In this regard, the counter filed by the



second respondent reveals the procedures followed. The residency aspects were also considered by the respondents 1 and 2, while conducting the process of selection and the proof of residence was also collected. In this regard, it is relevant to extract the following portion of the counter, which reads as under:-

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"For the post of Anganwadi Helper as per G.O.Ms.No.110 required qualification is read and write. Both the petitioner and the third respondent knows to write and read. In respect of the residence, this Court had rendered judgment to the effect that the residence alone cannot be a criteria for any appointment at Anganwadi. Therefore, even though the G.O. provides certain norms on residence of the helper, this Court had given findings as referred above. This is not a competitive exam. There was a paper publication on notification. The aspirants made applications. There was an interview. In the interview, the Child Development Project Officer, Deputy Director Health and District Project Officer (ICDS) were the committee members. They have conducted the interview. In the interview they have selected the third respondent. The third respondent is qualified with IX STD (X-Fail). Her husband is shown as a coolie, which shows the economic background of the third respondent. In respect of distance from the Anganwadi Centre, the third respondent resides two kilometers away from the Anganwadi Centre. This distance is within the Panchayat. This will not in any way stand in the way to say that the third respondent resides away from Anganwadi Centre."

3. In view of the fact that the third respondent resides 2 Kms away from Anganwadi Centre, the fact remains that the distance is within the Panchayat. In view of the fact that the third respondent is also residing within the Panchayat, he was selected and appointed based on the merit assessment made by the selection committee. Thus, there is no irregularity as such in respect of the appointment of the third respondent and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

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/ /2020

Sub Assistant Registrar (CS)



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Thanjavur.

2.The Child Development Project Officer,
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+1 CC to SPL GP (SR-24626[F] dated 09/12/2020)

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