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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.30655 of 2008

B.Sangeetha

...Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Project Officer,
Integrated Child Development Project,
Dharmapuri.
3. Egavarani
4. The Director of Social Welfare,
Chennai - 5.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka.No.1964/A1/2007 dated 09.07.2008, to quash the same and issue consequentila directions to the 1st respondent to appoint the petitioner as Anganwadi Worker in the centre in Vathi Kottai Village, Pennagaram Block, with retrospective effect from the date of appointment of the 3rd respondent with all consequential benefits.

For Petitioner : Mr.D.Baskar
for Mr.R.Thamaraiselvan

For Respondents : Mr.S.J.Raja Singh (R1, R2 & R4)
Government Advocate

No Appearance (for R3)



ORDER

The petitioner is a resident of Vathi Kottai Village and applied for the post of Anganwadi Worker under the Integrated Child Development Project, at Vathi Kottai Center, Pennagaram Taluk, Dharmapuri District. According to her, she fulfilled all criteria and norms prescribed for such appointment. She had attended an interview on 06.02.2008 and had produced certificates in support of her educational qualification, community certificate, income certificate, destitute widow certificate, ration card, certificate of residence and of age. However, despite her qualification and notwithstanding that she stayed very proximate to the Anganwadi centre she was not appointed.

2. Coming to know that it was R3, who had been appointed, she had filed this writ petition challenging the appointment of R3 and seeking a consequential direction for her appointment as Anganwadi Worker from date of appointment of R3 with all consequential benefits.

3. The main argument advanced on behalf of the petitioner is that R3 is admittedly a resident of Thinnur Village, which is situated three kilometers from the Anganwadi Centre. Since the notification calling for applications stated that residents from the same locality/village, where the Anganwadi center was located, would be appointed, she believes that she should have been preferred for the post.

4. In this connection learned State Counsel circulates a copy of G.O.(Ms) No.203 dated 19.08.2005, as per which, candidates staying within 10 kilometers radius would be considered suitable. The argument of the petitioner on the aspect of distance is thus liable to be rejected and I do so. The counter of the respondents also makes it clear that R3 was older in age and this perhaps tilted the balance in her favour as being more experienced in the handling of children.

5. However, yet another contention raised by the petitioner is that her name figured in the provisional list that had been released but had been omitted in the final selection list. There is no ready answer available with the respondents as to why she was eliminated from final selection. However, I do not see the need to dwell on this aspect any further since R3 has been employed consistently from 2008 and is working in the same center. It would thus be not appropriate to disturb her post particularly, seeing as the petitioner has not made out any case for her disqualification or bar.



6. Solely on humanitarian basis and since the learned counsel for the petitioner stated that the petitioner is yet unemployed, the State counsel was asked to produce details of vacancy of Anganwadi Workers and a list has been circulated. On instructions the petitioner is said to prefer the available post at Senganoor, Naganoor Village. Let her make an application for appointment as Anganwadi Worker in the aforesaid station and if she satisfies the required parameters, let her be considered for appointment to the said post. This exercise will be completed within a period of four weeks from date of making of the request by the petitioner.

7. This writ petition is disposed in the aforesaid terms.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Project Officer,
Integrated Child Development Project,
Dharmapuri.
3. The Director of Social Welfare,
Chennai - 5.

+1cc to the Government Pleader, S.R.No.48231

W.P. No.30655 of 2008

PL(CO)

RGA(13/10/2021)