

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4766 of 2021
and
W.M.P.No.5377 of 2021
(Heard through VC)

K.Rahitha Sulthana .. Petitioner

-vs-

1. The District Project Officer,
Dharmapuri District,
Dharmapuri.
2. The Integrated Child Development Project Officer,
Karimangalam,
Dharmapuri District.
3. M.Sajeetha .. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed in Se.Mu.Na.Ka.No.539/m1/2017 dated 09.02.2018 by the 1st respondent and quash the same as illegal and consequently direct the 1st and 2nd respondents to appoint the petitioner as an Anganvadi Worker for the place Kondichettipatti Centre No.5, Karimangalam Village, Dharmapuri District.

For Petitioner : Mr.V.Balamurugan
For Respondents 1 & 2 : Mrs.P.Rajalakshmi
Additional Government Pleader

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O R D E R

The writ petition has been filed challenging the order passed by the 1st respondent in Se.Mu.Na.Ka.No.539/m1/2017 dated 09.02.2018 and consequently for a direction to the first and second respondents to appoint the petitioner as an Anganvadi Worker in the place of Kondichettipatti Centre No.5, Karimangalam Village, Dharmapuri District.

2. Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice on behalf of the respondent Nos.1 and 2. Since, no adverse order is passed against the third respondent, notice to the third respondent is dispensed with.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. When the matter is taken up for hearing, it is represented by the learned Additional Government Pleader that the issue involved in this case is already been decided and the similar request was negatived by this Court in W.P.No.4459 of 2021 dated 27.02.2021, which fact has not been disputed by the learned counsel appearing for the petitioner. For the sake of convenience, the order passed by this Court in W.P.No.4459 of 2021 dated 27.02.2021 is extracted hereunder:

"8. The fact that the petitioner is M.A., B.Ed., D.Ted. and that the third respondent is 10th standard is not disputed. The minimum qualification required for appointment as an Anganvadi worker is 10th standard. Both of them are residing in the same area. Merely because, the third respondent may have chances in future to participate in the selection process and get appointment as Anganvadi Worker, cannot be a ground to interfere with the order of the first respondent as stated supra. This Court is not rejecting the writ petition only on the ground of delay, as it may give one more round of litigation. When the minimum qualification is prescribed and the third respondent was eligible to be appointed, her case was considered and she was appointed. The contention of the learned counsel appearing for the petitioner that the third respondent has been appointed with the influence of the Minister cannot be accepted, as there is no evidence to that effect. If such a contention is going to be accepted, it may also be stated that a person in a higher position may be influential for directing the petitioner to file the present writ petition. For looking after the children, higher qualification may not be required at all, because M.A., B.Ed., D.Ted. are of only qualifications and many, having qualifications, cannot said to be educated and the persons, who have not seen the school may be well educated than the qualified.

9. In view of the above, the writ petition fails and is dismissed. Consequently, the connected miscellaneous petition is closed. No costs."

5. In the light of the aforesaid judgment and also considering the fact that the issue has already been decided by this Court, these writ petitions are dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RSI

To

1. The District Project Officer,
Dharmapuri District,
Dharmapuri.
2. The Integrated Child Development Project Officer,
Karimangalam,
Dharmapuri District.

W.P.No.4766 of 2021 and
W.M.P.No.5377 of 2021

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