

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.NO.7178 OF 2011

R.Ananthanayaki

...Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Krishnagiri.

2.Child Welfare Scheme Officer,
Uthangarai, Krishnagiri District.

3.K.Bharathi

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to appoint the petitioner as Anganvadi Assistant in Summalampatty Uthangarai Post and Taluk, Krishnagiri District forthwith based on the petitioner's representation dated 21.02.2011, to the first respondent.

For Petitioner : No appearance
For Respondents 1 & 2 : Mr.K.Magesh
Special Government Pleader

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents 1 and 2 to appoint the petitioner as Anganvadi Assistant in Sunnalampatty Uthangarai Post and Taluk, Krishnagiri District forthwith based on the petitioner's representation dated 21.02.2011 to the first respondent.

2.When the official respondents called for applications from the eligible candidates for the appointment to the post of Anganvadi Helper (Assistant) to Sunnalampatty ICDS Main Centre in Uthangarai Block at Krishnagiri District in the year 2010, the petitioner made an application and she was called for interview and certificate verification on 29.12.2010. Pursuant

to which, the petitioner also attended the interview and certificate verification.

3. According to the petitioner, she was the only applicant for the said post and accordingly, she was called for interview on that date and she attended the interview and all the certificates were verified. However, subsequently there was no communication from the official respondents and later the petitioner came to know that, the third respondent was appointed in the said post, therefore, the petitioner had given a representation on 21.02.2011 to appoint the petitioner in the post, since the same was not considered, he has filed the present writ petition with the aforesaid prayer.

4. Heard Mr.K.Magesh, learned Special Government Pleader appearing for the respondents 1 and 2, who would submit that, the statement made by the petitioner through the affidavit is false, as there were eight candidates applied for the said post and all the eight candidates were called for interview on that date, though the petitioner attended the interview and she claimed that, she knew to read and write, but she has not performed in the interview and moreover, the certificates that were required were not produced and what is the proof for the age of the petitioner also was not filed.

5. However, the third respondent was one of the applicant who attended the interview and she was able to read and write and she also produced the necessary certificates required and after having verified those certificates and evaluated the performance of the third respondent in the interview, the Committee selected the third respondent, accordingly, she was appointed for the said post. Therefore, the claim now made by the petitioner cannot be countenanced. Hence, the present request made to consider her representation and to appoint the petitioner for the said post of Anganvadi Assistant does not arise, he contended.

6. I have considered the said submission made by the learned Special Government Pleader appearing for the official respondents and have perused the materials placed before this Court.

7. Since it is the categorical assertion on the part of the official respondents in the counter, where they have stated as follows:

"2.It is submitted that the statement of the petitioner is false. 8 Candidates had been applied for the post of Anganwadi Helper (Assistant) to Sunnalampatti ICDS Main Centre in Uthangarai Block and all the applicants attended the interview held on 29.12.2010 at 2.00 pm. The selection committee members have conducted the interview. During the interview on 29.12.2010, the petitioner, Tmt.Ananthanayaki one of the 8 candidates, told before the committee members that she knows only to read and write but on trial, she failed to prove the same before the committee.

3.Further, she has not produced any valid certificate for age proof before the committee on the date of interview. At the out set of the affirmation statement of the affidavit of the W.P., her age is noted as "about 35 years" implies that Tmt.R.Ananthanayaki does not have correct age proof. She was not selected by the selection committee for the post of A.W. Helper to Sunnalampatti Centre for the reason that she does not deserve the basic qualifications primarily required for she was not produce the any educational certificate.

4.It is submitted that the statement of the petitioner is not only false but also unnatural.

One, Tmt.K.Bharathi, W/o.Kumar out of the 8 candidates the 3rd Respondent attended the interview on 29.12.2010 and produced all original documents before the selection committee members and hence she was selected by the selection committee for the post of A.W. Helper to Sunnalapatti ICDS Main Centre - bring a qualified candidate - she was appointed to that post following the rules and regulations laid down in the Govt. orders and letters connected thereto [Please vide page No.1 for Sunnalampatti ICDS centre and Sl.No.3 towards selection of K.Bharathi for appoint to the post of Helper in the Sunnalampatti centre on 24.02.2011 and she was joined on 28.02.2011."

it can be easily ascertained that, there were more than one candidate attended the interview, which according to the respondents were eight candidates and the petitioner was one among them out of the eight candidates. Based on the performance in the interview, the Selection Committee selected the third

respondent and moreover, the performance of the petitioner in the interview before the Selection Committee was poor and she had also not produced the relevant certificates. Therefore, for those reasons, the candidature of the petitioner was rejected and the third respondent was selected and appointed. Therefore, the prayer sought for by the petitioner cannot be countenanced, hence this Court feels that, this writ petition is liable to be dismissed and accordingly, it is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The District Collector,
Collectorate Office,
Krishnagiri.
- 2.The Child Welfare Scheme Officer,
Uthangarai,
Krishnagiri District.

+1cc to M/s.R.Meenal, Advocate, S.R.No.7300
+1cc to the Government Pleader, S.R.No.7514

W.P.No.7178 of 2011

MP (CO)
KKV/25/02/2021

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