

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.275 of 2015

R.Radhika

... Petitioner

Vs

1.The District Collector,
Collectorate, Thiruvarur District.

2.The Project Officer,
Integrated Child Development Scheme (ICDS)
Muthupettai Union, Thiruvarur District.

3.Sivakumar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to provide employment to the petitioner in any Anganwadi centers without insisting money of Rs.50,000/- and direct the 1st and 2nd respondents to take appropriate legal action against the 3rd respondent.

For Petitioner : Mr.P.Vijendran

For R1 & R2 : Mr.J.Ramesh, AGP

For R3 : Mr.K.M.Subramanian

ORDER

Heard both sides and perused the materials placed before this Court.

2.The relief sought for in this writ petition is to direct the respondents 1 & 2 to provide employment to the petitioner in any Anganwadi centers without insisting money of Rs.50,000/- and take appropriate legal action against the 3rd respondent.

3.According to the petitioner, she is fully qualified for appointment to the post of Anganwadi Organiser and Assistant. She applied for the said post on various occasions i.e.,

19.01.2010, 10.02.2010, 15.02.2010, 09.07.2010 and 18.08.2012. Though she was called for interview, but not selected. In October, 2014, she again applied for the said post in respect of Kunnalur Panchayat, which is reserved for Scheduled Caste category. But, the second respondent refused to receive the same, stating that she was aged about 36 years. Therefore, the petitioner sent her application through post. Since the said representation was not considered, she made a representation dated 20.10.2014 to the respondent authorities. Finding no response on the same, she preferred WP.No.29562 of 2014, which was disposed of, on 13.11.2014, directing the respondent authorities to consider the said representation within a period of six weeks. Pursuant to the same, the petitioner went to the office of the second respondent and enquired about her representation. At that time, the third respondent demanded Rs.50,000/- for arranging a job. Feeling aggrieved, the petitioner has come up with this writ petition for the aforesaid relief.

4. Denying the allegations stated in the writ petition, the respondents 1 & 2 filed a detailed counter affidavit, inter alia stating that in the recruitment process conducted on 19.01.2010, 10.02.2010, 15.02.2010 and 09.07.2010 for the post of Anganwadi Worker, no one was selected for the said post, however, with respect to the interview conducted on 18.08.2012, a widow was selected and hence, the petitioner was not found to be suitable as per the existing guidelines and norms. It is further stated therein that as regards the selection process held in October, 2014, as per the interim order of this Court in WP(MD)No.18583 of 2014, all further process of selection was stopped and no appointment was made, pursuant to the notification calling for selection to the post of Anganwadi workers; and that, as directed by this Court, by order dated 13.11.2014 in WP.No.29562 of 2014, the petitioner's representation dated 20.10.2014 was scrutinised and it was found that the petitioner was ineligible, since she was 36 years of age and as per G.O.Ms.No.110, Social Welfare and Noon Meal Department, dated 14.05.2012 and G.O.Ms.No.43, Social Welfare and Noon Meal Department, dated 28.08.2014, the candidates applying should be below 35 years of age and therefore, the petitioner's application could not be considered. It is also stated that on the compliant lodged by the petitioner against the third respondent, enquiry was conducted by appointing an Enquiry Officer, who, after due enquiry, concluded that the complaint was false with baseless allegations.

5. In the light of the aforesaid averments made in the counter affidavit filed by the respondents 1 and 2, this Court

is of the opinion that no mandamus can be issued to the respondent authorities in favour of the petitioner. Hence, the writ petition is liable to be dismissed as devoid of merits.

6. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mtl
To

1. The District Collector,
Collectorate, Thiruvarur District.
2. The Project Officer,
Integrated Child Development Scheme (ICDS)
Muthupettai Union,
Thiruvarur District.

+1cc to the Government Pleader Sr.13201
+1cc to Mr.P.Vijendran, Advocate Sr.12746

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ss[co]
srg 05/07/2021

सत्यमेव जयते

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