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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 22.09.2021

Pronounced on : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.1552 of 2021
and
C.M.P.No.9775 and 9776 of 2021

J.Shabana

.. Appellant/Petitioner

Vs.

1. The District Collector,
Kallakurichi,
Kallakurichi District.
2. The District Programme Officer,
Integrated Child Development Project,
Villupuram.
3. The Child Development Project Officer,
Kallakurichi Taluk,
Kallakurichi District.

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order made in W.P.No.1530 of 2021 dated 03.03.2021.

Prayer in W.P.No.1530 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order in proceedings Na.Ka.No. 1900/ml / 2020, dated 27.10.2020 of the 1st Respondent cancelling the petitioners appointment as Anganwadi Worker in Anganwadi centre Maadur - 2 Kallakurichi Taluk and District with effect from 02.11.2020 quash the same and direct the respondents to appoint the petitioner as Anganwadi Worker in Anganwadi Centre Maadur-2 Kallakurichi Taluk and Distirct with all attendant service benefits from 02.11.2020 till the date of reinstatement into service.



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For Appellant : Mr.R.Ramachandran
For Respondents : Mrs.Akila Rajendran
Govt. Counsel

JUDGMENT

(Judgment of the Court was made by K.KALYANASUNDARAM, J)

The appellant, who is the writ petitioner, challenges the order of the learned Single Judge passed in W.P.No.1530 of 2021 dated 03.03.2021, wherein, the learned Single Judge affirmed the order of the first respondent/District Collector cancelling the appointment made in favour of the appellant.

2.The appellant applied for the post of Anganwadi Worker. She was called for an interview on 22.02.2019 and she was selected and posted as Anganwadi Worker at Maadur-2. She joined the duty on 21.09.2019 and the appointment was cancelled by the order of the District Collector dated 27.10.2020 on the ground that she did not complete the age of 25 as on 01.01.2019.

3.The learned Single Judge found she was not eligible to be appointed to the post of Anganwadi Worker and dismissed the writ petition. Based on the submission of the learned Additional Government Pleader, the learned Single Judge permitted the writ petitioner to continue in service on temporary basis till regular appointment is made. The relevant paragraph 5 of the said order would run thus:-

"5. In view of the above submissions, this Court holds that, the Petitioner shall be continued in service on temporary basis till regular appointment is made. It is made clear that, if the petitioner is eligible, she can apply for permanent post on the ground that, she was a temporary worker. However, if the Petitioner seeks permanent status, the Respondent can deprive her employment from the date on which she seeks permanent employment, forthwith, based on this order. For this incident, the Officials will have to be shown the doors, rather than disturbing the persons who have been recruited."

4.Mr.R.Ramachandran, learned counsel appearing for the appellant mainly contended that the appellant has completed 24 years 11 months and 19 days on the relevant date. As she was only in shortage of 12 days, the appointment cannot be



cancelled. It is also contended that since she was already selected, she lost her opportunity to participate in the next immediate selection and the cancellation is made without prior notice to the petitioner.

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5. Mrs. Akila Rajendran, learned Government Counsel appearing for the respondents would state that in G.O.Ms.No.110, Social Welfare and Nutritious Programme (SW7) Department, dated 14.05.2012, the age limit is prescribed for appointment to the post of Anganwadi worker. Admittedly, the writ petitioner did not meet out the eligibility criteria and hence, the first respondent has rightly cancelled the appointment order. She made submission in support of the finding of the learned Single Judge.

6. In the matter on hand, for ready reference, the relevant paragraph in G.O.Ms.No.110, dated 14.05.2012 is extracted hereunder:-

"2.5 Age Limit

Candidates who have completed 25 years and who are not more than 35 years of age will be recruited.

The upper age limit for all categories shall be extended by 5 years (five years) for Widows, destitute and candidates in Hill area (35+5+40 years) and Minimum age for candidates in Hill areas shall be reduced by 5 years (25-5-20 years)"

7. Indisputably, the petitioner has not completed 25 years at the relevant point of time. The Writ Court having considered that the writ petitioner did not satisfy the eligibility criteria, rightly dismissed the writ petition and also issued a direction to the official respondents to initiate departmental action to punish the official who appointed the writ petitioner. In this regard, the learned Single Judge has also referred a decision reported in 1986 TLNJ 153 (S.Thangappan vs. The Government of Tamil Nadu).

8. In the light of the above facts, we find no merits in this appeal. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

skn



To

1. The District Collector,
Kallakurichi,
Kallakurichi District.
2. The District Programme Officer,
Integrated Child Development Project,
Villupuram.
3. The Child Development Project Officer,
Kallakurichi Taluk,
Kallakurichi District.

+1cc to Mr.R.Ramachandran, Advocate, S.R.No.57104

+1cc to the Government Pleader, S.R.No.56691

W.A.No.1552 of 2021
and
C.M.P.No.9775 and 9776 of 2021

BS (CO)
SU(17/11/2021)