



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2443 of 2018

and

W.M.P.Nos.2961 of 2018 & 2817 of 2019

E.Selvi

...Petitioner

Vs

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Planning Officer,
Integrated Child Development
Services (ICDS),
Thiruvannamalai,
Thiruvannamalai District.
3. The Children Development
Planning Officer,
Anakkavoor Circle,
Thiruvannamalai District.
4. The Supervisor,
Anganwadi, Alathur Village,
Alathur Post, Cheyyar Taluk,
Thiruvannamalai District.

5.Mrs.C.Saritha

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records, relating to the impugned selection list of the 2nd respondent dated - nil- for Integrated Child Development Services (ICDS), Thiruvannamalai District-2017 in respect of Selection of Anganwadi Helpers and quash insofar as the selection of the 5th respondent in Sl.No.37 as Anganwadi Helper in the 4th respondent's Anganwadi and consequently direct the respondents 1 to 3 to select and appoint the petitioner as Anganwadi Helper in the 4th respondent's Anganwadi.



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For Petitioner : Mr.P.Ganesan

For R1 to R4 : Mr.K.V.Sajeev Kumar,
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein, who belong to Scheduled Caste Arunthathiar Community, is a destitute widow, who had applied for the post of Anganwadi Helper under the scheme of Integrated Child Development Services (ICDS) on 31.08.2017. Pursuant to the interview held on 13.09.2017, the fifth respondent herein was selected as the Anganwadi Helper in Alathur Anganwadi, whereas the petitioner's candidature was not included in the selection list and the reason assigned in the impugned selection list is that no person has been found eligible. Challenging the same, the present writ petition has been filed.

3. The petitioner herein had specifically raised a ground that she belong to Scheduled Caste Community and also comes under the category of a destitute widow.

4. The counter affidavit filed by the respondents evidences that the fifth respondent was given priority only on the ground that she had obtained 43 marks as against the petitioner's mark of 40. The counter affidavit also states that the candidature of the petitioner has been considered under Scheduled Caste non-priority, whereas the fact remains that the petitioner is a destitute widow apart from belonging to Scheduled Caste Community. The counter does not address the ground raised by the petitioner that she has claimed priority under destitute widow also.

5. The petitioner herein had produced a copy of the Death Certificate of her husband, namely late K.Elumalai, dated 26.03.2013, which evidences that the petitioner's husband died on 13.02.2013. The Income Certificate issued by the Tahsildar also evidences that the petitioner's annual income was Rs.38,000/-. The status of the petitioner as a widow is clarified by the Widow Certificate issued by the Tahsildar dated 05.09.2017. All these 3 documents produced before this Court by the petitioner evidences that the petitioner not only belongs to Scheduled Caste Community, but is also a destitute widow. As such, consideration of the petitioner's candidature as a non-priority and rejecting her application, may not be proper.



6. It is now brought to the notice of this Court that insofar as the vacancy for the post of Anganwadi Worker at Anakkavoor, Alathur Anganwadi is concerned, the same remains vacant as on date and the fifth respondent herein has been appointed as an Anganwadi Worker in Anakkavoor, Alathur Anganwadi.

7. In view of this vacancy, this Court does not intend to disturb the appointment already made to the fifth respondent herein. However, since this Court has found that the petitioner comes under a priority category of a Scheduled Caste destitute widow, it would be appropriate to direct the respondents herein to appoint the petitioner as Anganwadi Worker in Anakkavoor-Alathur Anganwadi.

8. In the light of the above observations, there shall be a direction to the first respondent herein to pass appropriate orders appointing the petitioner herein as an Anganwadi Worker in Anakkavoor-Alathur Anganwadi, as expeditiously as possible, in any event, within a period of 8 weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Planning Officer,
Integrated Child Development
Services (ICDS),
Thiruvannamalai,
Thiruvannamalai District.



3. The Children Development
Planning Officer,
Anakkavoor Circle,
Thiruvannamalai District.

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4. The Supervisor,
Anganwadi, Alathur Village,
Alathur Post, Cheyyar Taluk,
Thiruvannamalai District.

+lcc to Mr.E.Sathiyaraj, Advocate, S.R.No.33230

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AK-II(CO)
CT(27/07/2021)