



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

W.A(MD)NO.1053 OF 2012

and

M.P(MD)Nos.1 and 2 of 2012

P.Mangayarkarasi

:Appellant/Petitioner

.vs.

1.The District Project Officer,
Children Welfare Scheme,
Ramanathapuram District.

2.The Children Welfare Officer,
Thiruvadanai,
Ramanathapuram District.

3.V.Rameshwari

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.12097 of 2012, dated 12.09.2012.

Prayer in WP(MD). 12097 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, directing the respondents 1 and 2 to call for the records relating to the order dated 28.05.2012 signed on 16.07.2012 in Na.Ka.No.220/A1/2012 and the consequential selection list published by the 1st respondent and quash the same in respect of the 3rd respondent and consequently direct the 1st respondent to call for the petitioner for the post of Anganwadi worker in Oorikottai Village or any other vacant places at Thiruvadanai Taluk, Ramanathapuram District.

For Appellant

:M/s.J.Anandkumar

For Respondents
1 and 2

:Mr.M.Murugan
Government Advocate

For Respondent-3

:No appearance

**JUDGMENT**

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

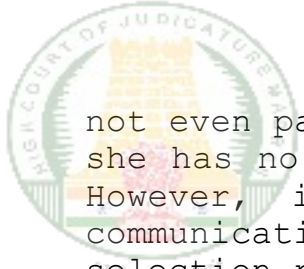
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The Writ Appeal is filed challenging the order passed in W.P (MD)No.12097 of 2012, dated 12.09.2012.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner has passed 12th standard and applied for the post of Anganwadi Worker for the Anganvadi Centre at Oorikottai Village, Thiruvadanai Taluk, Ramanathapuram District. She was also called for an interview by a letter, dated 27.12.2010. As the results were not published, she sent a representation, dated 03.08.2011. As there was no response, she filed a Writ Petition in W.P.No.10288 of 2011, seeking issuance of a Writ of Mandamus directing the first respondent to consider the representation, dated 03.08.2011 for appointment to the post of Anganwadi Worker at Oorikottai Village, Thiruvadanai Taluk, Ramanathapuram District and also to publish the results, which was also ordered on 11.10.2011. Thereafter, a communication was sent to the Petitioner stating that the selection process, dated 31.12.2010 and 31.01.2011, in which, the Petitioner had participated have been cancelled and that a fresh advertisement is published and it is open to the appellant to participate in the same for selection to the post of Anganwadi Worker. In the interregnum, the appellant had also filed a Contempt Petition in Cont.P.No.389 of 2012, in which, it was specifically stated by the respondents that the results of the previous selection process was not declared due to announcement of Model Code of Conduct for the Assembly Elections and the Local Body Elections and only after that, fresh advertisements were issued for selecting Anganwadi Workers. According to the appellant, the communication was sent to her belatedly informing that the earlier selection process was cancelled, only on 16.07.2012. Hence the said communication is sought to be quashed in the Writ Petition, which was rightly dismissed by the learned Single Judge. When the selection process itself is scrapped by the Government on the ground that the Model Code of Conduct was in force during the relevant point of time, the Courts cannot interfere in the same. It is not the case of the appellant that he was prevented or he was prohibited from participating in the selection process for the second time. In the next selection process, merely because she could not participate for the second time and got selected, she cannot challenge the cancellation of the previous selection process.

4.The case of the appellant that if the results of the earlier selection process was announced and the results were made known to her, she could have applied for the second time, is only misconceived and the same has to be rejected. When the appellant had



not even participated in the selection process for the second time, she has no locus-standi to challenge the earlier selection process. However, in the Writ Petition, the challenge is only to the communication sent regarding the cancellation of the earlier selection process. As much water has flown after that and that the list of selected candidates had already been published pursuant to the selection process for the second time. In the circumstances stated above, there is nothing to adjudicate further in this Writ Appeal.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar (CS)

vsn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The District Project Officer,
Children Welfare Scheme,
Ramanathapuram District.

2. The Children Welfare Officer,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s. SPL GP (SR-9210[F] dated 05/03/2021)

JUDGMENT MADE IN
W.A (MD) NO. 1053 OF 2012

and
M.P (MD) Nos. 1 and 2 of 2012
04.03.2021