



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.13151 of 2019

and

W.M.P(MD)Nos.9791, 9792 & 9793 of 2019

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R.Samsath Beevi

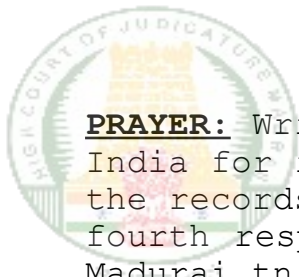
... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Social and Welfare Nutritious Meal
Programme (SW4-2) Department,
Secretariat,
Chennai.
- 2.The Commissioner of Social Welfare,
O/o.The Commissioner of Social Welfare Officer,
Guindy,
Chennai - 32.
- 3.The Director/Mission Director,
Integrated Child Development Services Scheme,
Taramani,
Chennai - 113.
- 4.The District Collector,
O/o.The District Collector Office,
Madurai,
Madurai District.
- 5.The Personal Assistant to District Collector
ICDS Scheme,
O/o.The District Collector Office,
Madurai,
Madurai District.
- 6.The District Project Officer,
ICDS Scheme,
Melamadai,
Madurai,
Madurai District.
- 7.The Child Development Project Officer,
O/o.The Child Development Project Office,
Thirupparakundram,
Madurai District.

8.M.Balkis Parveen

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned selection list published by the fourth respondent in his proceedings Nil. (Published through Online Madurai.tn.nic.in website on 04.06.2019) dated Nil and quash the same as illegal in so far as it relates to serial No.20 is concerned and consequently to direct the fourth respondent to appoint the petitioner as Anganwadi Worker taking into consideration her residence in conformity with G.O.(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012 and G.O (Ms)No.203, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 10.08.2005.

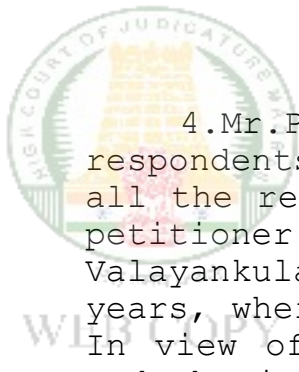
For Petitioner : Mr.VR.Shanmuganathan
for Mr.B.Anandan
For RR 1 to 7 : Mr.P.Subbaraj
Government Advocate
For R - 8 : Mr.M.M.Iqbal

ORDER

The petitioner has filed the present Writ Petition, to quash the impugned selection list published by the fourth respondent and to direct the fourth respondent to appoint the petitioner as Anganwadi Worker, taking into consideration her residence in conformity with G.O.(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012 and G.O(Ms)No.203, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 10.08.2005.

2.According to the petitioner, she applied for the post of Anganwadi worker in Valayankulam East Centre, Thirupparankundram Taluk & Union, Madurai District. She possessed all the requisite qualifications prescribed for such appointment. The petitioner and the eighth respondent attended the interview conducted on 07.09.2017. The eighth respondent was appointed on 04.06.2019. The petitioner is residing in Valayapatti Village, which is only 3.9 kms away from the centre, whereas eighth respondent is residing at Perungudi Village, which is 8 kms away from the centre. The fourth respondent contrary to the guidelines issued in G.O.(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012 and G.O(Ms)No.203, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 10.08.2005, appointed eighth respondent as Anganwadi Worker. In such circumstances, the petitioner has come out with the present Writ Petition challenging the appointment of the eighth respondent and for a direction to the fourth respondent to appoint her Anganwadi Worker.

3.The fourth respondent filed counter-affidavit.



4.Mr.P.Subbaraj, learned Government Advocate appearing for the respondents 1 to 7 submitted that the eighth respondent possessed all the requisite qualifications as per the guidelines and both the petitioner and the eighth respondent are residing within 5 kms from Valayankulam East Circle. The eighth respondent, was aged about 34 years, whereas the petitioner was 28 years at the time of interview. In view of the age seniority, the eighth respondent was appointed and the impugned order passed by the fourth respondent is valid and legal and prayed for dismissal of the Writ Petition.

5.The eighth respondent filed counter-affidavit.

6.The learned counsel appearing for the eighth respondent submitted that the eighth respondent fulfilled all the conditions mentioned in the Government Order and she is elder to the petitioner and senior in the employment exchange seniority. The fourth respondent, considering the qualification of both the petitioner and eighth respondent and age of the eighth respondent, appointed the eighth respondent and there is no error in the impugned order and prayed for dismissal of the Writ Petition.

7.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 7 and the learned counsel appearing for the eighth respondent and perused the entire materials available on record.

8.The contention of the learned counsel appearing for the petitioner is that eighth respondent is not residing within 5 kms from the centre and she is residing at Perungudi Village, which is 8 kms away from the centre. On the other hand, in the counter-affidavit filed by the fourth respondent, it is stated that the eighth respondent is residing only within 5 kms from the centre. The fourth respondent further stated that the eighth respondent was aged 34 years and the petitioner was 28 years at the time of interview. Taking into consideration the age of the eighth respondent, the fourth respondent appointed the eighth respondent as Anganwadi Worker. Now, the eighth respondent is working from the said date for the past two years.

9.At the time of hearing, the learned counsel appearing for the petitioner submitted that there are vacancies in three centres, namely Thottiapatti Village, Nedumathurai Village Sub-centre N.Kallupatti and Nallur Village in the same block and the petitioner may be considered for any one of the vacancy in the said block.

10.Considering the above materials and the fact that the petitioner is fully qualified to be appointed as Anganwadi worker and the eighth respondent is working from the year 2019, the fourth respondent is directed to consider the appointment of the petitioner in any one of the vacancy in Thottiapatti Village, Nedumathurai



Village Sub-centre, N.Kallupatti and Nallur Village or any other vacancy in Valayankulam East Centre, within a period of eight weeks from the date of receipt of a copy of this order.

11. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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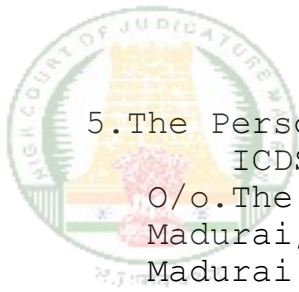
Sub Assistant Registrar(CS)

ps

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 Principal Secretary to Government,
Social and Welfare Nutritious Meal
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Secretariat, Chennai.
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O/o. The Commissioner of Social Welfare Officer,
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Melamadai,
Madurai,
Madurai District.

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O/o.The Child Development Project Office,
Thirupparakundram,
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+1 CC to M/s.S.MOHAMMED KASIM, Advocate (SR-23088[F] dated
19/07/2021)

+1 CC to M/s.SPL GP (SR-23300[F] dated 20/07/2021)

+2 CC to M/s.B.ANANDAN, Advocate (SR-23382[F] dated 20/07/2021)

W.P(MD)No.13151 of 2019
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KMK(CO)
KB(03.08.2021) 5P 12C