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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.13823 of 2019

and W.M.P. (MD) No.10341 of 2019

(Through Video Conference)

M.Nagalakshmi

... Petitioner

Vs

1. The District Collector,
Theni District, Theni.
2. The District Project Officer,
District Project Office,
Integrated Child Development Project,
Theni District.
3. The Child Development Programme Officer,
Andipatti Taluk,
Theni District, Theni.

4.N.Deepa

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent dated 01.08.2018 in Se.Mu.Na.Ka.No.2321/A1/2017 and quash the same as illegal and consequently direct the respondents 1 and 2 to appoint the petitioner as Anganwadi Paniyalar at T.Chokkalingapuram centre (Centre No.3362400607), Aandipatti Taluk, Theni District within time stipulated by this Court.

For Petitioner: Mr.S.Sukumar

For RR 1 to 3 : Mr.V.P.M.Vaishnavi,
Government Advocate

For R-4 : No Appearance

O R D E R

The petitioner herein aspires to be appointed to the post of Mini Anganwadi Worker. An interview was conducted on 23.09.2017 and ultimately, the fourth respondent was selected to the said post. According to the petitioner, she is fully qualified than the fourth respondent and that the respondents have not properly appointed the fourth respondent.



2. On the other hand, the counter affidavit states that the petitioner herein, was absent when called for the interview on 29.03.2017. A copy of the attendance given by the Child Development Programme Officer and all other relevant particulars have also been produced before this Court, which evidences that the petitioner was absent on that particular date and on the other hand, the fourth respondent herein was present. The attendance report also evidences the fact that the petitioner is residing within one kilometer from the employment place, whereas the fourth respondent is residing two kilometers away from the Anganwadi centre.

3. The learned counsel for the petitioner would submit that it is false to state that the petitioner was absent on the interview date. This Court cannot go into the said facts while exercising its powers under Article 226 of the Constitution of India, but can be justified in perusing the documents and affidavits filed before this Court. The Child Development Programme Officer, Theni District has filed a counter affidavit dated 25.06.2019 in which, it is categorically stated that the petitioner was absent for the interview on 29.08.2017 and pursuant to the affidavit filed, I am of the view that the fourth respondent's appointment has been validly made. Accordingly, there are no merits in the writ petition and hence, the writ petition stands dismissed. No costs. Consequently, connected W.M.P.(MD) No.10341 of 2019 is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

Sts

To:

1. The District Collector,
Theni District, Theni.
2. The District Project Officer,
District Project Office,
Integrated Child Development Project,

<https://hcservices.ecourts.gov.in/hcservices/>



Theni District.

3. The Child Development Programme Officer,
Andipatti Taluk,
Theni District, Theni.

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+1 CC to M/s.S.SUKUMAR, Advocate (SR-5266[F] dated 16/02/2021)

Order made in
W.P. (MD) No.13823 of 2019

Dated:
15.02.2021

GS (16.06.2021) 3P 5C