



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.4916 of 2019

and

W.M.P. (MD) No.3910 of 2019

R.Selvi

... Petitioner

-vs-

1.The District Collector,
Collectorate,
Sivagangai District.

2.The Programme Officer,
District Programme Office,
Collectorate,
Sivagangai District.

3.The Integrated Child Development
Project Officer,
The Child Development Project Office,
Kalayarkovil Taluk,
Sivagangai District .

... Respondents

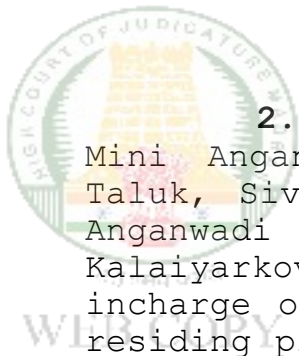
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent No.1 to consider the transfer application of the petitioner dated 18.05.2018 and 25.02.2019 and accommodate the petitioner as Anganwadi Worker in the vacant post of Kadaneri Village, Kalaiyarkovil Taluk, Sivagangai District, which is the incharge place of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.Sethupathi

For Respondents : Mr.A.K.Manikkam
Government Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the first respondent to consider the transfer applications of the petitioner dated 18.05.2018 and 25.02.2019 and to accommodate her as Anganwadi Worker in the vacant place at Kadaneri Anganwadi Centre, Kalaiyarkovil Taluk, Sivagangai District, within the time stipulated by this Court.



2. According to the petitioner, on 21.11.2009, she joined as Mini Anganwadi Worker at Mankattunenthal Village, Kalaiyarkovil Taluk, Sivagangai District and on 01.08.2017, she was promoted as Anganwadi Worker and posted in Ammanpatti Anganwadi Centre, Kalaiyarkovil Taluk. Further, according to the petitioner, she is incharge of Kadaneri Anganwadi Centre and the distance between her residing place i.e.Kadaneri and the place in which she is presently working i.e.Ammanpatti is about 5 kms., and since her husband is an agricultural coolie and having three female children, she could not travel for such a distance daily. Therefore, she made an application to the third respondent seeking transfer to Kadaneri Anganwadi Centre. Since the third respondent did not consider the transfer application, on 25.02.2019, the petitioner sent an application to the respondents. Even then, there was no response from the respondents and therefore, the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner submitted that in fact, there is a vacancy in Kadaneri Anganwadi Centre and the petitioner is incharge of the said centre with effect from 01.06.2018. However, pending application submitted by the petitioner for transfer, the first respondent issued a notification for filling up the vacancy in the said Kadaneri Anganwadi Centre. Further, the learned counsel would submit that as per Clause 2.8 of G.O.(Ms) No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012, the applicant should be the resident of the same hamlet. If no eligible / suitable candidate from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayat of the particular centre shall be considered. Even then, eligible / suitable candidates are not available, the candidates from the neighbouring panchayats located within 10 kms. shall be considered for appointment of anganwadi worker. Therefore, the learned counsel prays for a direction to the respondents to favourably consider the petitioner's transfer application.

4. The learned Government Counsel appearing for the respondents, while reiterating the counter affidavit filed by the second respondent, submitted that the transfer request was made within one year from the date of promotion and since the prescribed period of three years was not completed, the petitioner is not entitled to seek for transfer. Further, filling up the vacancy in Kadaneri Anganadi Centre was by direct recruitment and not by transfer. Therefore, G.O.(Ms) No.110, dated 14.05.2012, which pertains to direct recruitment of Anganwadi Workers, is not applicable to the case of the petitioner. Further, the petitioner's residing place and the working place are located in the same Block i.e.Kalaiyarkovil Block and therefore, there is no prejudice caused to the petitioner.



5. It is seen that the petitioner is working in the promoted place from 2017 and she submitted application for transfer during 2018 and filed the present writ petition in the year 2019 and till date, the petitioner could not obtain any interim orders in her favour. Therefore, at this distance of time, the question of granting direction as sought for by the petitioner does not arise and hence, the writ petition deserves to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

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:

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