



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.3675 of 2018

and

W.M.P (MD)No.3825 of 2018

WEB COPY

V.Subathra Devi

... Petitioner

vs.

1.The Secretary to the Government of Tamil Nadu
Social, Welfare and Nutrition Meals Department,
Secretariat,
St. George Fort, Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Project Officer,
Sivagangai District,
District Collector Campus,
Sivagangai.

4.The Project Officer,
Child Development,
Kalayar Kovil,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to appoint the petitioner as Mini Anganwadi worker in Kannamuthankarai, Periyakannoor Child Welfare Centre pursuant to the selection list published on 20.09.2017 in the Notice Board of the Child Welfare Centre, Kalaiyarkovil.

For Petitioner

: Mr.P.Aju Tagore

for Mr.C.Meenakshi Rama Prabu

For Respondents

: Mr.P.Subbaraj

Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to appoint her as Mini Anganwadi worker in



Kannamuthankarai, Periyakannoor Child Welfare Centre pursuant to the selection list published on 20.09.2017 in the Notice Board of the Child Welfare Centre, Kalaiyarkovil.

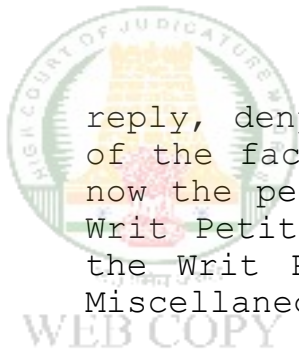
2. According to the petitioner, the respondents in the year 2017 called for applications for appointment of Mini Anganwadi worker to Kannamuthankarai Anganwadi Centre. The petitioner was fully qualified for the said post and applied along with necessary documents. She attended the interview on 06.09.2017. The selection list, dated 20.09.2017, was published in the Notice Board of the fourth respondent. The petitioner was selected for the post of Mini Anganwadi Worker as per the selection list of the respondents published in the Notice Board of the fourth respondent. But the fourth respondent did not issue any appointment order. The petitioner has sent a representation to the respondents 1 and 2. So far, the same has not been considered. Hence, the petitioner has come out with the present Writ Petition.

3. The respondents filed counter-affidavit.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner applied for the post of Mini Anganwadi Worker at Kannamuthankarai Periyakannannoor, Child Welfare Centre, Kalaiyarkovil Taluk, Sivagangai District. The said post was reserved for MBC/DNC (Non-Priority) category. Totally 11 persons applied for the said post and all of them belonged to MBC/DNC (Non-Priority) candidates. One of the candidates, namely Buaneswari, was affected person as three persons of her family including her son was murdered. The said Buaneswari is residing at the same Village. In view of the same, the said Buaneswari, who possessed required qualification, was appointed and now, she is working from 01.11.2018 in the said post. The learned Government Advocate denied the submission of the learned counsel for the petitioner that the petitioner was selected and selection list was affixed in the Notice Board of the fourth respondent and prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

6. On a perusal of the materials available on record, it is seen that the petitioner has come out with the present Writ Petition for a direction to the respondents to appoint her as Mini Anganwadi worker in Kannamuthankarai, Periyakannoor Child Welfare Centre pursuant to the selection list published on 20.09.2017 in the Notice Board of the Child Welfare Centre, Kalaiyarkovil. The respondents in the counter-affidavit has stated that one Buaneswari was appointed on 23.10.2018 and she is working from 01.11.2018. The copy of the counter-affidavit was served on the learned counsel for the respondents on 10.07.2019. But the petitioner has not filed any



reply, denying the averments made in the counter-affidavit. In view of the fact that the appointment was made in the year 2018 itself, now the petitioner is not entitled for the relief sought for in the Writ Petition and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

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 Secretary to the Government of Tamil Nadu
Social, Welfare and Nutrition Meals Department,
Secretariat,
St. George Fort, Chennai.
- 2.The District Collector,
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Sivagangai.
- 3.The District Project Officer,
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+1 CC to M/s.SPL GP (SR-21937[F] dated 09/07/2021)

W.P(MD)No.3675 of 2018
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RK (19.07.2021) 3P 6C