



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.24066 of 2018

and

W.M.P (MD)Nos.21773 & 21774 of 2018

WEB COPY

M.Kalaiselvi

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai District.

2.The District Project Officer,
District Project Office,
Collectorate Campus,
Sivagangai District.

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

4.Mrs.M.Vijaya

... Respondents

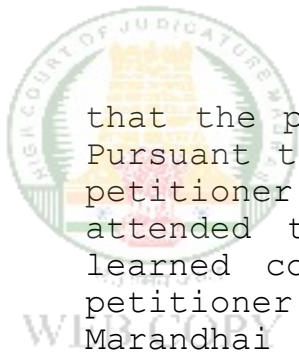
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order of appointment of the respondent No.4 in Se.Mu.Na.Ka.No.1219/A1/2017, dated 24.10.2018 on the file of the Respondent No.1 and quash the same as illegal and consequently direct the respondents to issue appointment order to the petitioner as Mini Anganwadi Worker at South Marandai Mini Anganwadi Centre, Kalayarkoil Taluk, Sivagangai District as per proceedings in Se.Mu.Na.Ka.No.1219/A1/2017, dated.....09.2017 on the file of the first respondent.

For Petitioner	: Mr.I.Pinayagash
For R1 to R3	: Mr.P.Subbaraj
	Government Advocate
For R4	: Mr.V.Susikumar

ORDER

This writ petition is filed to quash the impugned order of the first respondent, dated 24.10.2018 in Se.Mu.Na.Ka.No.1219/A1/2017, appointing the fourth respondent as illegal and for a direction to the respondents to issue appointment order to the petitioner as Mini Anganwadi Worker.

2. The learned counsel appearing for the petitioner submitted
<https://hcservices.ecourts.gov.in/hcservices/>



that the petitioner belongs to the Hindu Backward Class Community. Pursuant to the Notification issued by the respondents 1 to 3, the petitioner applied for the post of Mini Anganwadi worker and attended the interview conducted by the third respondent. The learned counsel appearing for the petitioner submitted that the petitioner was selected as Mini Anganwadi worker in respect of South Marandhai Mini Anganwadi Centre in Kalayarkoil Taluk, Sivagangai District. Including the petitioner, 71 candidates were selected as Mini Anganwadi Workers in pursuance of the interview conducted by the District Collector, Sivagangai District, the first respondent herein. The selection list was also published in the website as well as affixed on the Notice Board of the third respondent. The petitioner approached the second respondent on 16.09.2017 for joining duty with Medical Certificate and other testimonials. The respondents have not issued any appointment order to the petitioner and other 71 candidates, who were selected as per the orders of the first respondent- District Collector. When the petitioner approached the second respondent on 22.09.2017, in person, she was informed that she was not selected to the post, since she is not the local resident of South Marandhai Village.

3. The learned counsel appearing for the petitioner further submitted that the petitioner's husband died and she is destitute widow. She applied for the post and the third respondent called for interview held on 06.09.2017. The petitioner participated in the interview and produced all the documents. On 14.10.2017, she sent representation to the respondents 1 to 3, requesting them to issue appointment order to her as Mini Anganwadi Worker at South Marandhai Village Mini Anganwadi Centre. The petitioner's representation was not considered by the respondents. Hence, she filed a writ petition in W.P(MD)No.19853 of 2017, for a direction to the second respondent to issue appointment order to her as Mini Anganwadi Worker at South Marandhai Mini Anganwadi Centre, Kalayarkoil Taluk, Sivagangai District. This Court, by order, dated 01.02.2018, disposed of the said writ petition directing the first respondent to finalise the selection process within a period of two weeks. After the orders of this Court, the third respondent called the petitioner and scolded her for filing the writ petition. Subsequently, on 24.10.2018, the first respondent filled up 65 posts out of 71, including the fourth respondent as Mini Anganwadi Worker at South Marandhai Village. The respondents 1 to 3 did not consider the petitioner for the said post for the reasons best known to them. The petitioner is aged about 35 years as on 21.05.1984, while the fourth respondent is aged 33 years as on 15.06.1985 and therefore, petitioner ought to have been appointed on preferential basis.

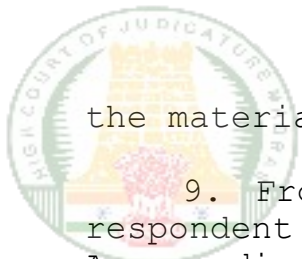
4. The learned counsel appearing for the petitioner submitted that South Marandhai Village and North Marandhai Village find place with a common name "Marandhai Village" in the Revenue Records. In the Village sketch also, the name is commonly mentioned as Marandhai Village. The Government School and Ration Shop are also in the name of

counter a
situated

6. The fourth respondent filed counter affidavit. The learned counsel appearing for the fourth respondent submitted that the fourth respondent is residing in the same place, where, the Mini Anganwadi Centre is situated. The petitioner is residing at North Marandhai, which is 2 kms away from the Mini Anganwadi Centre. The fourth respondent is possessing required qualification prescribed in the guidelines issued in G.O(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 14.05.2012. In view of the same, the fourth respondent was considered and selected for the post of Mini Anganwadi Worker. The same is valid and legal and prayed for dismissal of the writ petition.

7. The petitioner filed rejoinder affidavit. The learned counsel appearing for the petitioner submitted that the list of selected candidates produced by the petitioner is not concocted one and it was affixed in the Notice Board and also in the website. The petitioner was a person selected for Mini Anganwadi Worker, but subsequently, with ulterior motive, the fourth respondent was appointed. The appointment of the fourth respondent is not valid.

<https://hcservices.courts.gov/id/hcservices/>

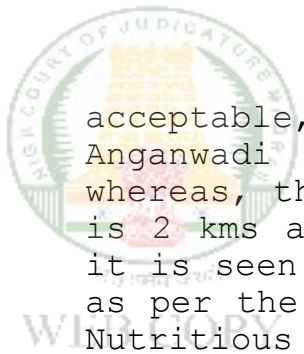


the materials available on record.

9. From the materials on record, it is seen that the first respondent issued Notification for appointment to the post of Mini Anganwadi Worker in Mini Anganwadi Centre, Kalayarkovil Taluk, Sivagnagai District. The petitioner applied for the post of Mini Anganwadi Worker, South Marandhai Mini Anganwadi Centre, Kalayarkovil Taluk, Sivagangai District. According to the petitioner, she is fully qualified and after interview, she was selected and the same was published along with the selected candidates in the website and Notice Board of the first respondent. The said fact was denied by the respondents 1 to 3. It is the case of the respondents 1 to 3 that no such list of selected candidates was published either in the website or in the Notice Board of the first respondent. It is seen from the counter affidavit filed by the respondents 1 to 3 in W.P(MD)No.19853 of 2017 that the respondents have taken a stand that the selection process was not completed. The said submission was recorded by this Court and this Court, by order dated 01.02.2018 in W.P.(MD)No.19853 of 2017, directed the first respondent to finalise the selection process within two weeks. From the materials on record, it is seen that as per the direction of this Court, the first respondent completed the selection process and issued appointment orders to the selected candidates. For South Marandhai Village, the fourth respondent was selected and appointed. The learned Government Advocate produced a communication received from the first respondent enclosing the list of selected candidates. There is no reason to doubt about the said list and reject the same. Further, in G.O(Ms) No.110, Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 14.05.2012, certain guidelines were issued for appointment to the post of Anganwadi worker. As per G.O(Ms)No.110, dated 14.05.2012, a person residing in the same locality is given appointment. In the said G.O(Ms)No.110, dated 14.05.2012, Column 2.8, reads as follows:

"2.8 Residency:- The Government direct that the applicant should be the resident of the same hamlet. If no eligible/suitable candidates 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 the appointment of Anganwadi worker"

10. It is not in dispute that the Anganwadi Centre is situated at South Marandhai Village and the fourth respondent is residing in the same area. The petitioner is also admitted that she is residing at North Marandhai Village and contended that the Revenue Village is only Marandhai Village and the South Marandhai Village and North Marandhai Village is the same Village and the petitioner is also residing in the same locality. The said contention is not



acceptable, as the fourth respondent is residing near to the Anganwadi Centre, which is situated in South Marandhai Village, whereas, the petitioner is residing at North Marandhai Village which is 2 kms away from Anganwadi Centre. From the materials on record, it is seen that the respondents 1 to 3 have selected the candidates as per the guidelines issued in G.O.(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 14.05.2012 and there is no error or arbitrariness in selecting the fourth respondent for being appointed as Mini Anganwadi Worker in South Maranthai Village.

11. For the above reasons, the writ petition fails and it is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Collector,
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2.The District Project Officer,
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+1 CC to M/s.SPL GP (SR-22110[F] dated 12/07/2021)

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RD(2.08.2021) 5P 5C