



W.P.No.1950 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1950 of 2019

and

W.M.P.No.2196 of 2019

S.Kavitha

... Petitioner

Vs.

1. The District Collector,
Collectorate, Thiruvallur District.
2. The Child Development Scheme Officer,
Child Development Scheme Office,
Thiruthuraipoondi and Taluk,
Thiruvarur District.

3. K.Jayalakshmi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Declaration, declaring the appointment of the 3rd respondent as Anganvadi Assistant as illegal, arbitrary, and against the established law and to direct the 2nd respondent to appoint the petitioner as Anganvadi Asst. in the Anganvadi Centre at Thirukollikadu, Thiruthuraipoondi Taluk and Thiruvarur District.



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For Petitioner : Mr.P.Vijendran
For Respondents : Mr.V.Arun, AAG, Assisted by
Mrs.E.Indhumathi, GA [R.1 &R.2]
: No appearance [R.3]

ORDER

The amended relief sought for in the present writ petition is to quash the appointment order issued to the third respondent, appointing her as Anganvadi Asstant in the Anganvadi Centre at Thirukollikadu, Thiruthuraipoondi Taluk and Thiruvarur District.

2. The petitioner states that she had participated in the process of selection for appointment to the post of Anganvadi Assistant. She attended the interview and submitted all the requisite documents. The third respondent also participated in the process of selection for the same. However, the respondents 1 and 2 considered and selected the third respondent and appointed her to the post of Anganvadi Assistant, in violation of the Government guidelines issued in G.O.Ms.No.110, dated 14.05.2012. The learned counsel for the petitioner reiterated that the third respondent is not residing in the same hamlet, more so, no marks were awarded at the time of conduct of the interview by the selection



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committee. For all these reasons, the appointment of the third respondent is in violation of the Government guidelines and is liable to be set aside.

3. The learned Additional Advocate General furnished a copy of the report of the selection committee, which would reveal that the writ petitioner Smt.S.Kavitha is residing at Thirukollikadu village, Thiruthuraipoondi Taluk and Thiruvarur District, where the centre is situated. However, the third respondent Smt.K.Jayalakshmi is not residing in the same hamlet and she is residing in another Panchayat. However, as per the Government order, it is permissible.

4. The perusal of the Government guidelines issued in G.O.Ms.No.110, dated 14.05.2012, reveals that “residency” is stipulated in paragraph 4.8 which reads as under:

“The Government directed that the applicant should be the resident of the same hamlet. If no suitable/eligible candidate from the same hamlet is available, the candidates from the neighbouring hamlet from the same panchayat of the particular center shall be considered. Even then, if the eligible candidates are not available, then the candidate from neighbouring panchayat located within 10 kms. shall be considered for appointment for Anganvadi helper .”



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5. In the present case, the writ petitioner and the third respondent participated in the interview. The writ petitioner is residing in the same hamlet in the same panchayat, where the centre situates. However, the third respondent is residing in another panchayat, and therefore, the petitioner is the preferable candidate in accordance with the government guidelines issued. When the eligible candidate is very much available and belongs to the same hamlet, then the preference is to be granted as per the Government guidelines issued.

6. In the present case, the interview marks were not granted by the selection committee. Thus, the selection was not conducted in accordance with the established principles to be followed. In the absence of awarding mark under various heads, the authorities would not have arrived at a conclusion and selected the third respondent to the said post. Thus, the selection is bad in law and for all these reasons, the order of appointment issued to the third respondent is liable to be set aside.

7. Consequently, in view of the facts and circumstances, the order impugned, issued by the second respondent in proceeding



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no.Se.Mu.Na.Ka.No.1350/A1/2017/ICDS, dated 11.01.2019, is quashed

and the respondents 1 and 2 are directed to appoint the petitioner to the post of Anganwadi Assistant, within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition stands **allowed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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(2/2)

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Internet : Yes
Index : Yes
Speaking order

To,

1. The District Collector,
Collectorate, Thiruvallur District.
2. The Child Development Scheme Officer,
Child Development Scheme Office,
Thiruthuraipoondi and Taluk,
Thiruvarur District.



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S.M.SUBRAMANIAM, J.

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