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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HON'BLE MR.JUSTICE P.D. AUDIKESAVALU

W.P.NO.4083 OF 2018

Suganthi

...Petitioner

Vs

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.Integrated Child Development Project Officer,
O/o. Integrated Child Development project,
Thiruvannamalai District,
Thiruvannamalai.
- 3.Child Development Project Officer,
O/o. Child Development Project Office,
Javvadhu Hills Circle,
Jamunamarathur, Polur Taluk,
Thiruvannamalai District.

4.K.Parameswari.

...Respondents

Prayer :- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the First Respondent in respect of appointment of the Fourth Respondent as Anganwadi worker at Irulamparai main Anganwadi Centre, Thiruvannamalai District and quash the same and consequently direct the First Respondent to appoint the Petitioner as Anganwadi worker at Irulamparai main Anganwadi Centre, Thiruvannamalai District.

For Petitioner : Mr.A.Aadhavan
for Mr.J.Karthikeyan

For Respondents : Mr.V.Arun
Additional Advocate General
assisted by
Mr.Vadivelu Deenadayalan
Additional Government Pleader
(For R1 to R3)

No appearance (For R4)



O R D E R

Heard Mr. A.Aadhavan, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mr. Vadivelu Deenadayalan, Learned Additional Government Pleader appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Court during the earlier hearing on 23.03.2022 had passed the following self-explanatory order:-

"2. The Petitioner and the Fourth Respondent had applied for the post of Anganwadi worker in Irulamparai Main Anganwadi Centre, Thiruvannamalai District and the Fourth Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

3. The contention raised in the Writ Petition is that the Petitioner is a resident of the same hamlet in which the Anganwadi Centre is located, but the Fourth Respondent, who is not a resident of that hamlet has been selected to that post. It has been highlighted that in terms of clause 2.8 of G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 based upon which the selection was made, only when candidates residing within the same hamlet are not available, selection of candidates from neighbouring Panchayats within a radius of 10 kms. could be made and the decision of the Division Bench of this Court in K.Lakshmi -vs- District Collector, Cuddalore (Order dated 31.07.2017 in W.A. No. 2728 of 2012) has been cited in that regard.

4. Though the Third Respondent has filed Counter-Affidavit dated 16.04.2019, it is bereft of details as to whether the residence of the Fourth Respondent is situated within the same hamlet.

5. Since a factual dispute is raised, the First Respondent shall verify as to whether the residences of the Petitioner and the Fourth Respondent were situated within the same hamlet at the time of making the application for the said post after issuing notices to the concerned parties and file a report in that regard and produce the entire records relating to comparative assessment



of the Petitioner and the Fourth Respondent for suitability for appointment in this case.

6. In order to show bonafides, the Petitioner shall produce an interest fetching fixed deposit receipt for Rs. 5,000/- from any Nationalized Bank in Chennai in the name of the Registrar-General, Madras High Court, Chennai and hand over the same to the Registry of this Court under written acknowledgment by 06.04.2022 and in the event the contention of the Petitioner is found to be false, it shall be forfeited and on the contrary, if the contention of the Petitioner is true, the Petitioner would not only be entitled to refund, but further costs from the Respondents.

Post the matter on 18.04.2022."

3. In furtherance to the order passed on 23.03.2022 by the Court, the Third Respondent has filed additional Counter-Affidavit dated 13.04.2022 in which it has been stated as follows:-

"5. It is humbly submitted that as per the order of this Hon'ble High Court dated 23.03.2022, the Village Administrative Officer conducted the filed verification of distance with the connected original records available in this office. It is found that the Writ Petitioner was not residing in the Village and the Fourth Respondent/present incumbent was residing in the Village as mentioned in her application which is 250 Meters from Anganwadi Main Centre Worker."

4. It is evident that the Petitioner has come out with the false case as if the Fourth Respondent, who has been selected, was not a resident of the village in which the Anganwadi Centre is located. That apart, it has also been established that the Petitioner does not reside in the said village. As such, there does not appear to be any justification to interfere with the impugned order in the exercise of discretionary powers of judicial review of the decision-making process under Article 226 of the Constitution.

5. The Petitioner has not complied with the requirement in the order dated 23.03.2022 to produce the fixed deposit receipt for Rs. 5,000/- in the name of the Registrar General of this Court to show her bonafides. Having regard to the fact that the contentions of the Petitioner have been rejected, the said amount of Rs. 5,000/- shall be paid by her as costs through



demand draft in favour of the Tamil Nadu State Legal Services Authority before 31.05.2022 without fail.

In fine, the Writ Petition is dismissed with costs.

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Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

gd

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Integrated Child Development Project Officer,
O/o. Integrated Child Development project,
Thiruvannamalai District,
Thiruvannamalai.
- 3.Child Development Project Officer,
O/o. Child Development Project Office,
Javvadhu Hills Circle,
Jamunamarathur,
Polur Taluk,
Thiruvannamalai District.

Copy to

- 1.Mrs.Suganthi
S/o. Kumarasamy
Irulamparai Village
Ramanathapuram Post
Javvadhu Hills
Polur Taluk
Thiruvannamalai District.
- 2.Mrs.K.Parameswari
W/o. Ravi
Pallathur Village
Polur Taluk
Thiruvannamalai District.
- 3.The Registrar-General,
Madras High Court,
Chennai - 600 104.



4.The Member Secretary,
Tamil Nadu State Legal Services Authority,
North Fort Road,
High Court Campus,
Chennai - 600 104.

+1cc to the Government Pleader Sr.No.26390

W.P.No.4083 of 2018

AD(CO)
RVM(11/05/2022)