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W.P.No.10109 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10109 of 2018

P.Susila

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The District Programme Officer,
Integrated Child Development Scheme,
Chinnasalem Region,
Villupuram District.

3. S.Jayakodi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st and 2nd respondents to follow the educational qualification, merit, seniority, Rule of reservation, under Tamil Nadu Backward Classes, Scheduled Castes, and Scheduled Tribes, (Reservation of seat in Educational Institution and of appointment or posts in the services under the State) Act 1993 and other eligibility, criteria in the recruitment for the post of Anganwadi Workers at Nallathur-1, Chinnasalem Region, Kallakurichi Taluk, Villupuram District.



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For Petitioner : Mr.A.G.Rajan

For Respondents : Mr.V.Arun, AAG, assisted by
Mrs.S.Anitha, Spl.GP [R.1 & R.2]
:Mr.R.Prabudoss [R.3]

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ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to follow the guidelines and criteria, fixed by the Government for appointment to the post of Anganwadi workers at Nallatur-I, Chinnasalem Region, Kallakurichi Taluk, Villupuram District.

2. The petitioner states that she is a destitute woman, having 3 minor children. She had participated in the process of selection for appointment to the post of Anganwadi Worker, under the Integrated Child Development Programme in Villupuram District.

3. The petitioner attended the interview and performed well. While so, the third respondent who is not qualified, was appointed in violation of the Government guidelines issued. The petitioner states that the third respondent had suppressed the fact regarding the criminal case registered against her and pending in Crime No.853 of 2011, for the offence under



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Sections 419, 473 and 420 of IPC, on the file of the Inspector of Police, Kallakurichi Police Station. Despite the fact that the third respondent is facing a criminal case, she suppressed the said fact at the time of submission of her application. The respondents 1 & 2 had erroneously considered the case of the third respondent for appointment to the post of Anganwadi Worker.

4. The learned Additional Advocate General, appearing on behalf of the respondents 1 & 2, brought to the notice of this court that earlier the third respondent filed a writ petition in W.P.No.26301 of 2017, with a prayer to direct the respondents to follow the educational qualification, merits, seniority and rules of reservation etc. This Court passed an order directing the respondent therein, to consider the case of the writ petitioner on merits and in accordance with law. During the relevant point of time even before this Court, the third respondent suppressed the fact about the criminal case pending against her. The third respondent filed a Contempt Petition in Cont.P.No.544 of 2019 and in view of the contempt petition, the respondents 1 and 2 allowed the third respondent to continue in service in the post of Anganwadi Worker.



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5. However, the respondents 1 and 2 subsequently collected the details regarding the criminal case and instituted disciplinary proceedings.

In this regard, the counter filed by the second respondent states as under:

“10. It is respectfully submitted that, in view of the issue raised by the writ petitioner herein as against one S.Jayakodi stating that she had suppressed the fact about the FIR registered against her is pending on the file of the Kallakurichi Police Station and got the post of Anganwadi Worker at Nallathur Centre. Hence, the Child Development Project Officer, Chinnasalem Region sent a letter vide Na.Ka.No.51/2021 dated 30.03.2022 to the Inspector of Police, Kallakurichi requesting the status of the FIR filed against one Mrs.S.Jayakodi. In reply to the said letter, the Inspector of Police, Kallakurich Police Station had replied to the Child Development Project Officer, Chinnasalem Region vide letter dated 04.04.2022 stating that on seeing the records, a case was registered against one Mrs.S.Jayakodi, W/o Jayasankar, Nallathur Village, Kallakurichi District in FIR No.853/2011 u/s 419, 473, 420 of IPC and the same is pending before the Kallakurichi Police Station. After knowing/on receipt of the letter from the Kallakurichi Police Station about the case pending before the Kallakurichi Police Station as against the said Tmt.S.Jayakodi, this respondent issued



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show cause notice to the said Tmt.S.Jayakodi call for an explanation as to registration of FIR against her on 13.4.2022; in which, the said S.Jayakodi seeks time to give reply as she has no way connection with that case. Based on the reply from her, it came to know that FIR is pending in her name. Hence for further action, a letter has been sent to District Project Officer. Based on the above said facts, the District Project Officer sent a letter to the District Collector recommending the temporary suspension of the said Tmt.S.Jayakodi. For the reasons stated above, the writ petition filed by the petitioner is not maintainable and is liable to be dismissed.”

6. In view of the fact that the third respondent is facing a criminal proceeding and had suppressed the fact regarding the registration of a criminal case against her, she is not eligible for selection and appointment to the post of Anganwadi Worker. The respondents 1 and 2 had stated that they have already initiated action in this regard.

7. This being the factum, the respondents are directed to complete the proceedings initiated against the third respondent as expeditiously as possible, since the third respondent had suppressed the facts regarding the registration of a criminal case against her. Since the selection and



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appointment of the third respondent is not in consonance with the Government guidelines issued, all further actions ought to be initiated in this regard.

8. Since the appointment of the third respondent is bad in law, this writ petition stands **disposed of**. There shall be no order as to costs.

15.11.2022

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Internet : Yes
Index : Yes
Speaking order

To,

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Programme Officer,
Integrated Child Development Scheme,
Chinnasalem Region,
Villupuram District.



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S.M.SUBRAMANIAM, J.

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