



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM

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

W.P.NO.7337 OF 2018

AND

W.M.P.NOS.9112 AND 9113 OF 2018

V.Parimala

... Petitioner

-vs-

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Programme Officer,
Intergrated Child Development Services,
Villupuram District,
Villupuram.
3. The Child Development Project Officer,
Intergrated Child Development Services,
Thiruvannainallur Block/Taluk,
Villupuram District.
4. Annapoorani,
W/o. Thangavel.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the appointment orders issued by the District Collector, the First Respondent herein in the proceedings bearing Na. Ka. No. 1958/AA1/2017, dated 14.12.2017 and quash the same insofar as the Fourth Respondent herein is concerned and consequently direct the First Respondent herein to appoint the Petitioner herein in the resultant vacancy as Anganwadi Worker existing in the Anganwadi Centre at Sithalingamadam-2, Thiruvannainallur Block according to the Rules.



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For Petitioner : Mr.Sankararaman for M/S.R.Anitha

For Respondents : Mr.V.Arun
Additional Advocate General
assisted by
Mr.S.Balamurugan (For R1 & R2)

Mr.V.Jayaprakash Narayanan (For R3)

No appearance (For R4)

O R D E R

Heard Mr. Sankararaman, Learned Counsel for the Petitioner, Mr. V.Arun, Learned Additional Advocate General assisted by Mr. S.Balamurugan, Learned Counsel for the First and Second Respondents, Mr. V.Jayaprakash Narayanan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner and the Fourth Respondent had applied for the post of Anganwadi Worker at Anganwadi Centre, Sithalingamadam-2, Thiruvennainallur Block and the Fourth Respondent had been selected to that post, which has been challenged in this Writ Petition.

3. The contention raised by the Petitioner in this Writ Petition is that she is a destitute widow and also possesses the required qualification that has been prescribed in G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 and ought to have been given priority in the appointment to the said post, but the Fourth Respondent has been appointed in the said post.

4. The Third Respondent has filed Counter-Affidavit dated 11.02.2019 stating that the vacancy for the relevant post was under non-priority category and there was no exclusive reservation for destitute widow. It is further highlighted that in terms of G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012, the Petitioner has been extended the benefit of age relaxation and she cannot claim any preference in appointment. It has also been explained that the Fourth Respondent, who had competed with other eligible candidates, has been selected based on her performance in the interview. The submissions made on behalf of the Respondents, which have not been contradicted, deserve acceptance.



5. The observations made by this Court in V.Lakshmi -vs- Special Commissioner and Secretary to Government, Social Welfare & N.N.P. (S.W.7) Department [(2011) 3 MLJ 85] relied by Learned Counsel for the Petitioner does not relate to the aforesaid terms in G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 which governs the appointment to the post and it does not have any relevance to decide the actual controversy involved in this case. 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.

In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Programme Officer,
Integrated Child Development Services,
Villupuram District,
Villupuram.
3. The Child Development Project Officer,
Integrated Child Development Services,
Thiruvannainallur Block/Taluk,
Villupuram District.

+1cc to M/s.R.Anitha, Advocate, S.R.No.19824
+1cc to M/s.V.Jayaprakash Narayanan, Advocate, S.R.No.19773
+1cc to the Government Pleader, S.R.No.19875

W.P.No.7337 of 2018

SR-II(CO)
RLP(12/05/2022)