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W.P.No.2047 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2047 of 2018
and WMP No. 2561 of 2018

M.Sowmya

... Petitioner

Vs

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Child Welfare Planning Officer,
Thirinjapuram,
Thirinjapuram Taluk,
Thiruvannamalai District.

3.M.Padma

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in the Scheme of Integrated Child Welfare Development-2017, Tiruvannamalai District-2017 list in Serial No.530 on the file of the 1st respondent and quash the same and to direct the 1st respondent to appoint the petitioner as Anganwadi Worker in Anna Nagar, situated at Karkonam Village and Post, Thiruvannamalai Taluk and District.

For petitioner

...

Mr.G.Rajan



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For Respondents ...

Mr.V.Arun
Addl.Advocate General
Assisted by
Mr.T.Arun Kumar,
Additional Govt.pleader
For R.1 and R.2
No appearance – R.3

ORDER

The petitioner herein is an unsuccessful candidate for the post of Anganwadi Worker at Anna Nagar, situated at Karkonam Village and Post, Thiruvannamalai Taluk. The center was reserved for communal rotation, as per rotation of MBC-Priority Categories. The petitioner claims that since she is residing in the same village panchayat where the Center is located and in view of she being physically challenged, she is more eligible to be appointed than the third respondent.

2. The learned Additional Advocate General placed reliance on the marks obtained by both the petitioner and the third respondent in the interview and stated that since the petitioner was residing in the same village as that of the center, she was awarded 5 marks when compared to the 3 marks obtained by the third respondent, who hails from the same village panchayat.

3. Insofar the petitioner's claim as a physically challenged person is concerned, the locomotor disability of the petitioner herein was 80%. As per Clause



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2.10 of G.O.(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW7)

Department, dated 14.05.2012, the rule of reservation and communal rotation shall be strictly followed in the appointment of Anganwdai Worker taking the concerned district as one unit and it further direct the authorities to follow 3% reservation for the Differently Abled Persons with Loco Motor Disability (i.e.) Orthopedically Differently Abled Persons who are capable of handling small children (below 6 years of their own.

4. Under G.O(Ms) No.21, Welfare of Differently Abled Persons (DA)-3-2) Department, dated 30.05.2017, the scope of reservation has been increased to 5% in accordance with Section 34(1) of the Rights of Persons with Disabilities Act, 2016.

5. Since G.O.(Ms) No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012, specifically provides reservation for the Differently Abled Persons with Loco Motor Disability (i.e.) Orthopedically Differently Abled Persons who are capable of handling small children (below 6 years of their own), the petitioner who suffers from 80% of the locomotor disability, may not be suitable for the post.



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M.S.RAMESH,J.,

sr

6. As such the appointment of the third respondent does not require any interference.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
sr

To

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Thiruvannamalai District.
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Thirinjapuram,
Thirinjapuram Taluk,
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