



W.P.No.23091 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23091 of 2018
and
W.M.P.No.26978 of 2018

B.Vani

... Petitioner

Vs.

1.The District Collector of the Nilgiris,
Udhagamandalam,
The Nilgiris.

2.The Child Development Scheme Officer,
Kotagiri,
The Nilgiris.

3.Nirmala

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to permit the petitioner to discharge her duty as Anganwadi Worker at Kaggulla Angawadi Centre, Kotagiri, as per the appointment order dated 05.12.2017 in proceeding No.Se.Mu.Na.Ka.No.261/A/2017 issued by the 1st respondent.



WEB COPY



W.P.No.23091 of 2018

For Petitioner : Mr.L.Mouli
For R1 & R2 : Mr.V.Arun
Additional Advocate General
Assisted by Mr.V.Manoharan
Additional Government Pleader
For R3 : Ms.D.Nagasaila

ORDER

The relief sought for in the present writ petition is to direct the respondents to permit the petitioner to discharge her duty as Anganwadi Worker at Kaggulla Anganwadi Centre, Kotagiri, as per the appointment order dated 05.12.2017.

2. The petitioner participated in the process of selection to the post of Anganwadi Worker. She was selected in the interview conducted by the Selection Committee and issued with an order of appointment in proceedings dated 05.12.2017. Accordingly, the petitioner joined in the post of Anganwadi Worker at Kaggulla Anganwadi Centre, Kotagiri and she was orally terminated from service by the competent authorities. Thus, the petitioner filed a writ petition seeking for a direction to permit her to work in accordance with the direction of the appointment order. Mean while, the



W.P.No.23091 of 2018

petitioner submitted a representation and based on the representation, the order dated 22.02.2018 was issued cancelling the appointment of the writ petitioner on the ground that the husband of the writ petitioner is working in the Transport Corporation.

3. The learned Additional Advocate General appearing on behalf of the respondents 1 and 2 made a submission that the Government order issued in G.O.Ms.No.33, Social Welfare and Nutrition meal Department dated 05.02.1993, two appointments cannot be issued to the persons from the same family. It is otherwise stated that from one family one person must be given appointment under the Nutritious Meal Scheme.

4. The said Government order has been misconstrued as if the spouse of the selected candidate must be unemployed. It is not the per pet of the Government order. The very intention of the Government order is that there cannot be two appointments, as far as the Department of Social Welfare is concerned, more specifically, to the post of Noon meal organiser, Anganwadi Worker or otherwise. However, the husband of the petitioner working in some other Corporation elsewhere, cannot be bar for considering



W.P.No.23091 of 2018

the petitioner for selection and appointment. The condition did not stipulate that no other person in the family must be employed elsewhere. Contrarily, it stipulates that two employee cannot be granted appointment from the same family. That being the condition stipulated, the petitioner is eligible for selection and appointment and there is no bar for appointing the petitioner to the post of Anganwadi worker as per the Government guidelines issued.

5. Thus, the cancellation of appointment of the writ petitioner is not in consonance with the Government guidelines issued. Consequently, the cancellation order issued in proceedings dated 22.02.2018 is void and cannot be acted upon and therefore, the 1st respondent 1 and 2 are directed to permit the petitioner to join duty and allow her to continue in the post of Anganwadi Worker based on the appointment order dated 05.12.2017. Such an exercise is directed to be done within a period of two (2) weeks from the date of receipt of copy of this order.



W.P.No.23091 of 2018

6. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.11.2022

Jeni

Index : Yes

Speaking order

To

- 1.The District Collector of the Nilgiris,
Udhagamandalam,
The Nilgiris.
- 2.The Child Development Scheme Officer,
Kotagiri,
The Nilgiris.



WEB COPY



W.P.No.23091 of 2018

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.23091 of 2018

08.11.2022