



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.6210 of 2014
and M.P.No.2 of 2014

M.Noorinisha

... Petitioner

Vs

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.V.Herjirabegam

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the Impugned order bearing with the Impugned order bearing Ch.Mu.Na.Ka.No. 504/2012/A1 dt.16.12.2013 passed by the first Respondent and quash the same and consequently direct the first Respondent to appoint the petitioner as Anganwadi worker in the 12th Ward Noon Meal Centre, Kavakari Village, Uthukkottai Taluk, Thiruvallur District.

For Petitioner : Mr.M.Ramadoss

For Respondents : Mr.L.S.M.Hasan Fizal (for R1)
Additional Government Pleader.
Mr.R.Vishnu (for R2)

O R D E R

The impugned communication dated 16.12.2013 states that the case of the petitioner will be considered whenever the vacancy arises and after issuing the recruitment notification.

2. The petitioner states that she was deserted by her husband and living with her two children.

3. The learned counsel for the petitioner states that considering the family situation, the case of the writ petitioner, is to be considered.

4. Appointment can never be claimed as a matter of absolute right. All appointments are to be made strictly in accordance with the recruitment rules in force. Equal opportunity for public employment is a constitutional mandate.



The authorities competent are bound to consider the claim of all the candidates, who are all eligible and aspiring to secure public employment, through Open Competitive Process. Courts cannot issue any direction to appoint any person merely based on the fact that the petitioner is a 'Destitute Woman' or otherwise. Misplaced sympathy in the matter of public employment would result in unconstitutionality and the rights of other eligible candidates will be deprived and infringed. Thus, the appointments are to be made through Open Competitive Process and by providing an equal opportunity to all the eligible persons, who are all longing to secure employment.

5. This being the constitutional mandate, the petitioner has to participate in the process of selection, if any recruitment notification has been issued by the competent authority. Thus, the writ petition is misconceived and the petitioner is at liberty to participate in the process of selection in the event of issuance of any notification by the competent authorities for the purpose of appointment.

6. With the above observation, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ars

To

The District Collector,
Tiruvallur District,
Tiruvallur.

+1cc to Government Pleader SR. No. 34159
+1cc to Mr.M.Ramados, Advocate SR. No. 33855

WP No.6210 of 2014

SR(CO)
PR (16/06/2022)