



WEB COPY



W.P.No.9803 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9803 of 2014

C.Vijayalakshmi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Cuddalore District,
Cuddalore.

2.District Planning Officer,
Integrated Child Development
Planning Office,
Cuddalore,
Cuddalore District.

3.Mrs.Chitra

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in Se.Mu.Na.Ka.No.662/A1/2012 dated 27.12.2013 on the file of the 1st respondent and to quash the same and further to direct the respondents to appoint the petitioner for the above said post of 'Anganvadi Paniyalar' at Anaivani Village, Veeramudaiya Natham, Chidambaram Taluk, Cuddalore District.



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For Petitioner : Mr.A.Murugan

For Respondents
[R1 and R2] : Mr.M.Bindran
Additional Government Pleader

[R3] : No Appearance

ORDER

The order of appointment dated 27.12.2013, appointing the 3rd respondent as Anganvadi Paniyalar in Anganvadi Centre is under challenge in the present writ petition.

2. The writ petitioner states that she is residing at Anaivari Village, Veeramudaiyanatham, Chidambaram Taluk, Cuddalore District. She is fully qualified for appointment to the post of Anganvadi Paniyalar. Pursuant to the notification, the petitioner participated in the process of selection for appointment to the post of Anganvadi Paniyalar. She appeared before the committee for interview and performed successfully. When the petitioner was waiting for her appointment, the 3rd respondent was appointed as Anganvadi Paniyalar.

3. On enquiry, the petitioner came to know that the 3rd respondent is not residing within the radius of 3kms from the Anganvadi Centre, which is in the violation of the Government guidelines issued for appointment.



The petitioner obtained a certificate from Village Administrative Officer concerned, which reveals that the 3rd respondent is native of another village namely Pichavaram, which is about 40 Kms from the Anganvadi Centre. Perusal of the certificate issued by the Village Administrative Officer reveals that the 3rd respondent got married and residing at South Pichavaram. However, it is not made clear, whether the 3rd respondent parents' or his initial native place is at Anaivarai Village. These factors were not ascertained and moreover, the Village Administrative Officer, whether competent to issue nativity certificate or not itself is to be ascertained.

4. Nativity certificates are to be issued by the Competent Authority namely the Tahsildar, only after conducting an enquiry. However, these Village Administrative Officers are issuing certificates beyond their powers without even verifying the Rules in this regard. Therefore, such certificate issued by the incompetent authority beyond the scope of their powers are cannot be trusted upon.

5. In the present case, as per the records furnished by the learned Additional Government Pleader, the writ petitioner scored 10 marks in the interview and the 3rd respondent scored 13 marks. The assessments are



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made by the Interview Committee and marks were awarded. Perusal of the records reveals that the procedures as contemplated under the Government orders are followed for award of mark under each head.

6. This being the factum, this Court cannot interfere with the process of selection, unless such selection is tainted with *mala fides* or there are incriminating evidence to establish any corrupt practices or otherwise. The decision of the selection Committee became final in respect of the award of marks to the candidates under various heads. This being the principles to be followed, this Court do not find any infirmity in respect of the selection process conducted by the respondents, so also the order of appointment issued to the writ petitioner. That apart, the 3rd was appointed in the year 2014 and serving as Anganvadi Paniyalar for about 8 years at this length of time and the relief as such sought for cannot be granted.

7. Accordingly, the Writ Petition stands dismissed. No costs.

11.07.2022

Jeni/Kak

Index : Yes / No

Speaking order : Yes / No



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To

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2.The District Planning Officer,
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S.M.SUBRAMANIAM, J.

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