



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

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

W.P. No. 18076 of 2019

and

W.M.P. Nos. 17461 and 17462 of 2019

Somithra

... Petitioner

-vs-

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The District Project Officer,
Integrated Child Development Scheme,
Collectorate, Krishnagiri,
Krishnagiri District.
3. The Child Development Project Officer,
Bargur, Krishnagiri District.

4. Sangeetha

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the Second Respondent in her proceedings Sae. Mu. Na. Ka. No. 1285/A1/2017, dated Nil.04.2018 and quash the same.

For Petitioner : Mr. C.Prakasam

For Respondents: Mr. V.Arun

Additional Advocate General assisted by

Mrs. C.Sangamithirai

Special Government Pleader (For R1 to R3)

No appearance (For R4)

O R D E R

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mrs. C.Sangamithirai, Special Additional Government Pleader



appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Though notice has been served on the Fourth Respondent, there is no representation for her when the matter is called at 1.15 p.m. today.

3. The Petitioner and the Fourth Respondent had applied for the post of Anganwadi Worker in Anganwadi Centre, Neridamanapalli Center, Kondappa Nayapalli Village and the Fourth Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

4. The contention raised in the Writ Petition is that the Petitioner is a resident of the same hamlet in which the Anganwadi Centre is located, but the Fourth Respondent, who is not a resident of that hamlet has been selected to that post. It has been highlighted that in terms of clause 2.8 of G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 based upon which the selection was made, it is only when candidates residing within the same hamlet are not available, selection of candidates from neighbouring Panchayats within a radius of 10 kms could be made.

5. In view of the factual dispute raised, this Court by order dated 06.04.2022 had required the First Respondent to verify as to whether the residences of the Petitioner and the Fourth Respondent were located within the same hamlet at the time of making the application for the said post after issuing notices to the concerned parties and produce the entire records relating to comparative assessment of the Petitioner and the Fourth Respondent for suitability for appointment in this case. In furtherance to the said order dated 06.04.2022, the Second Respondent has filed additional Counter-Affidavit dated 11.04.2022 in which it has been stated that the Fourth Respondent, viz., Sangeetha, who belongs to Mallapadi Panchayat, which is 7 kms away from the Anganwadi Centre, had been appointed based on her performance in the interview. It has also been brought to notice by the First Respondent that apart from the Petitioner, three other candidates, viz., Deivanai, Dakshyani and Geetha, who are the residents of the same village, where the Anganwadi Centre is situated, had also applied for selection to that post. It is apparent that when there were candidates residing in the same hamlet, who had applied for the post, the Fourth Respondent, who does not belong to that hamlet, could not have been appointed in contravention of the said condition. This view taken is fortified by the decision of the Division Bench of this Court in K.Lakshmi -vs- District Collector, Cuddalore (Order dated 31.07.2017 in W.A. No. 2728 of



2012) in that regard. In such circumstances, the appointment of the Fourth Respondent by the impugned Order in Sae. Mu. Na. Ka. No. 1285/A1/2017 dated Nil.04.2018 passed by the Second Respondent, which cannot be sustained, is set aside. The concerned authorities shall decide the further course of action to fill up the post either by examining the inter se merits of the candidates residing in the same hamlet in terms of clause 2.8 of G.O. (Ms) dated 14.05.2012 or by way of fresh recruitment in accordance with law. In order to avert any disruption of the functioning of the Anganwadi Centre, it shall be incumbent upon the concerned authorities to make necessary arrangements in that regard and they are not precluded from continuing the services of the Fourth Respondent till the regularly appointed candidate joins duty in the said post.

6. Since it has been established that the appointment of the Fourth Respondent is not in accordance with law, the Petitioner shall be entitled to costs of Rs. 5,000/- payable by the First to Third Respondents, in addition to refund of fixed deposit of Rs. 5,000/- made by the Petitioner in compliance of the order dated 06.04.2022 passed by the Court.

In the result, the Writ Petition is ordered on the aforesaid terms with costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

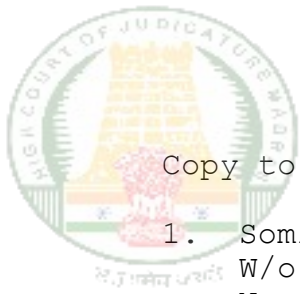
//True Copy//

Sub Assistant Registrar

gd

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Project Officer,
Integrated Child Development Scheme,
Collectorate, Krishnagiri,
Krishnagiri District.
3. The Child Development Project Officer,
Bargur, Krishnagiri District.



Copy to

1. Somithra,
W/o. Rangan,
No. 3/42, Kondanyanappalli Village & Post,
Bargur Taluk,
Krishnagiri District.
2. Sangeetha,
D/o. Palani,
Mallappadi & Post, Bargur Via,
Krishnagiri Taluk and District.
3. The Registrar-General,
Madras High Court,
Chennai - 600 104.

+lcc to Mr. C.Prakasam, Advocate, S.R.No.29888
+lcc to the Government Pleader, S.R.No.30975

W.P. No. 18076 of 2019

JP-II(CO)
CT 12/05/2022