



WP.No.32870 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 29.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.32870 of 2014
and M.P.Nos.1 & 2 of 2014**

Selvi

W/o Late Ganesan

... Petitioner

Vs.

1.The Special Commissioner
& Secretary to Government
Social Welfare & Nutritious
Meal Programme (S.W.7) Dept.,
Secretariat, Chennai – 9.

2.The District Collector
Kancheepuram District.

3.The Director
Integrated Child Development Scheme
Tharamani, Chennai – 600 113.

4.The District Programme Officer
Social Welfare & Nutritious
Meal Programme, Thirukalukundram
Kancheepuram District.

Page No.1/10



WP.No.32870 of 2014

5.The District Child Development
Project Officer
O/o. Child Development Project Office
Thirukalukundram
Kancheepuram District.

6. Amutha
W/o Shanmugam

7.A.Mosina Begum
W/o Balakumaran

8.The District Collector
Chengalpet District
Chengalpet.

(R8 is *suo motu* impleaded by this Court vide order dated 29.11.2022)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent culminated in issuing the order in Se.Mu.Na.Ka.No.1596/A/2014 dated 15.11.2014 on the file of the respondent, quash the same and consequently direct the respondent to include the name of the petitioner in the appropriate place in the post of 'Anganwadi Worker' under the category of Destitute Widow'.



WP.No.32870 of 2014

For Petitioner : Mr.R.S.Selvam

For Respondents : Mr.S.Arumugam
Government Advocate
for RR1 to 5 & 8

ORDER

This Writ Petition has been filed challenging the order of the second respondent dated 15.11.2014 and seeks to quash the same and further to direct the official respondents to include the name of petitioner in the appropriate place in the post of 'Anganwadi Worker' under the 'Destitute Widow' category.

2. The case of the petitioner is that she is a destitute widow. She has two children. She applied for appointment to the post of Anganwadi worker in Thirukazhukundram. The fifth respondent vide call letter dated 31.10.2014 in Na.Ka.No. 320/2014, called upon the petitioner to attend the interview on 10.11.2014 for appointment to the said post. The petitioner has also participated in the interview on the said date and furnished the particulars.



WP.No.32870 of 2014

Though the petitioner has satisfied all the eligibility conditions for appointment to the post of 'Anganwadi Worker', her application was rejected, whereas, the official respondents appointed the sixth and seventh respondents to the said post. The appointment of 6th and 7th respondents is not in accordance with the Government Order issued by the Social Welfare and Nutritious Meal Programme Department.

3. The learned counsel for the petitioner would further submit that the post of 'Anganwadi Worker' has to be filled from the category of 'Destitute Widow' when they are satisfying other conditions. In support of his contention, learned counsel relied upon the decisions of this Court made in

(i) ***E.Selvi Vs. District Collector and Others*** reported in **2021 SCC Online Mad 2546** and

(ii) ***K.Kaliammal Vs. District Collector and Others*** reported in **2018 SCC Online Mad 12709**.

The learned counsel for the petitioner also relied on Letter



WP.No.32870 of 2014

No.355/SW7(1)/2008 Social Welfare and NMP (SW.7) Department, dated

20.03.2008, whereby it is stated that for the post of Anganwadi Workers, the

Government issued the criteria that preference should be given to Destitute widow, deserted women and candidates in hill areas. The learned counsel thus prayed to allow the writ petition and to direct the official respondents to include the name of the petitioner in the appropriate place in the post of Anganwadi Worker under the category of Destitute Widow.

4.The learned Government Advocate appearing for the respondents 1 to 5 submitted that the sixth and seventh respondents have fulfilled all the eligibility conditions for appointment to the post of Anganwadi Worker. Hence, the official respondents by following the guidelines mentioned in various Government Orders, selected the above stated suitable persons for the said post. He also brought to the notice of this Court that the Anganwadi Centre, Thirukazhukundram, originally comes under Kancheepuram District. Now, the Kancheepuram District has been bifurcated into Kancheepuram



WP.No.32870 of 2014

District and Chengalpet District. So, it is necessary to implead the District Collector, Chengalpet District, Chengalpet as a party in this Writ Petition.

Further, he would submit that as of now, four vacancies are lying vacant in the vicinity of petitioner's residence and in support of the same, he produced a letter dated 25.11.2022 in Na.Ka.No.892/A1/2022.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. In view of the above submissions made by the learned Government Advocate appearing for the official respondents, this Court *suo motu* impleads the District Collector, Chengalpet District, Chengalpet, as eighth respondent in this Writ Petition.

7. It appears that the appointment of the sixth and seventh respondents may not have been done strictly in accordance with the Government Orders.



WP.No.32870 of 2014

It is brought to the notice of this Court that still four vacancies are available in and around the petitioner's residence and the petitioner can be accommodated in the said vacancy.

8. Admittedly, the petitioner comes under the priority category of 'Destitute Widow' and she has already been called for interview, however, she was not given appointment. However, at present four vacancies of Anganwadi Worker is available in the Centres in and around 10 kilometers of the petitioner's residence. In such view of the matter, this court does not intend to disturb the appointments already made to 6th and 7th respondents. However, since four vacancies of Anganwadi Worker remains vacant, taking note of the priority criteria in respect of the said vacancies, this court deems it fit to pass the following directions:-

(i) In the light of the letter in Na.Ka.No.320/2014 dated 23.11.2022 of the Officer, Child Development Service Scheme, the eighth respondent/The District Collector, Chengalpet District, Chengalpet is directed to appoint the



WP.No.32870 of 2014

petitioner as Anganwadi Worker, in a Anganwadi Centre, which is nearest to her residence, if the petitioner is otherwise satisfy the conditions prescribed to the said post.

(ii) Such appointment shall be made within a period of two months from the date of receipt of a copy of this order.

9. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
Jer/nvsri



WP.No.32870 of 2014

WEB COPY

To

1.The Special Commissioner
& Secretary to Government
Social Welfare & Nutritious
Meal Programme (S.W.7) Dept.,
Secretariat, Chennai – 9.

2.The District Collector
Kancheepuram District.

3.The Director
Integrated Child Development Scheme
Tharamani, Chennai – 600 113.

4.The District Programme Officer
Social Welfare & Nutritious
Meal Programme
Thirukalukundram
Kancheepuram District.

5.The District Child Development
Project Officer
O/o. Child Development Project Office
Thirukalukundram
Kancheepuram District.

6.The District Collector
Chengalpet District
Chengalpet.



WEB COPY



WP.No.32870 of 2014

J.NISHA BANU, J.,

Jer/nvsri

W.P. No.32870 of 2014

29.11.2022