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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

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

W.P.NO.22664 OF 2019

K.Mageshwari

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by Secretary to the Government,
Social Welfare and Nutritious Meal Programme Department,
St. George Fort,
Chennai-600 009.

2.The District Collector,
Cuddalore District,
Cuddalore.

...Respondents

Prayer :- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to consider the Petitioner's representation dated 21.06.2019.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.V.Arun
Additional Advocate General
assisted by
Mrs. C.Sangamithirai
Special Government Pleader for R1 & R2

O R D E R

Heard Mr. J.Antony Jesus, Learned Counsel appearing for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was one of the applicants for the post of Anganwadi Worker at Thuraiyur Anganwadi Centre, Child Development Office, Nallur, in which one Shanthi was selected for that post. According to the Petitioner, the said Shanthi had produced the forged S.S.L.C certificate to secure that



appointment and she has been removed from service. In that backdrop, the Petitioner had made a representation dated 21.06.2019 for appointing her in the said vacancy that arose on removal of the selected candidate.

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3. The Second Respondent has filed Counter-Affidavit dated 15.11.2019 explaining that in the interview conducted on 14.09.2017 for the post of Anganwadi Worker, four candidates, viz., Nithya, Shanthi, Silambarasi and Maheswari (Petitioner), attended and the said Shanthi, who was residing in the same village and had got 18 marks, was selected. Later, the said Shanthi resigned from service on 17.07.2018 due to her health condition.

4. Learned Additional Advocate General appearing for the Respondents. on instructions, from the concerned Officer, viz., Ms. Alladi Nagayoujanavalli, Child Development Project Officer, Child Development Project Office, Nallur Block, Cuddalore District, asserts that there was no allegation of any bogus certificate having been produced by the said Shanthi and confirms that she had resigned from service due to her health condition. She has also filed a memo dated 06.04.2022 to that effect, which has been placed on record.

5. In such circumstances, the vacancy that has arisen would have to be filled up following the prescribed procedure in accordance with law and the Petitioner, if she is other eligible is not precluded from participating in any fresh selection process for the relevant post, but there is no question of directly appointing the Petitioner without following the constitutional mandate of guaranteeing equality of opportunity for all eligible citizens in public employment. In other words, the Petitioner cannot be entitled to any relief for disposing her representation as sought in the Writ Petition.

In fine, the Writ Petition is dismissed with the aforesaid observations. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1.The Secretary to Government of Tamil Nadu,
Social Welfare and Nutritious Meal Programme Department,
St. George Fort, Chennai-600 009.



2.The District Collector,
Cuddalore District,
Cuddalore.

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+1cc to the Government Pleader Sr.No.24127

W.P.No.22664 of 2019

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