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W.P.No.30156 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30156 of 2017
and W.M.P.Nos.32767 & 32768 of 2017

Sheela

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Child Development Project Officer,
Child Development Project Office,
Kaveripakkam Zone,
Kaveripakkam,
Vellore District.

3.Nithya

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the concerned records relating to the appointment order of the 3rd respondent issued by the 1st respondent in Se.Mu.Na.Ka.No.3720/A1/ 2017(1) dated 28.09.2017 and quash the same and consequently directing the first respondent to appoint the



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petitioner as Anganwadi Paniyalar, Ayyampettai Village, Kaveripakkam
Vellore District.

For Petitioner : Mr.G.Pavendhan

For Respondents : Mr.V.Arun
Additional Advocate General

assisted by
Mr.T.Venkatesh Kumar
Special Government Pleader
for R1 & R2

Mr.C.Chokkalingam for R3

ORDER

The appointment of the 3rd respondent to the post of Anganwadi Worker is under challenge in the present writ petition.

2.The petitioner states that she is fully qualified for selection and appointment to the post of Anganwadi Worker and she participated in the process of selection. The petitioner attended the interview and submitted all the requisite documents before the Committee. She is a widow and thus, eligible for appointment under the priority category also.



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3.The learned counsel for the petitioner mainly contended that the merit assessment was not done properly by the Interview Committee. They have adopted different procedures in different centres for awarding of marks, which resulted in denial of opportunity to the petitioner, who belongs to the category of widow. Thus, the order of appointment issued to the 3rd respondent is to be set aside.

4.The learned counsel for the petitioner reiterated that the 3rd respondent is 25 years old and the petitioner is 35 years old. Therefore, the petitioner is senior to the 3rd respondent in age and thus, she must be given preference in the matter of selection and appointment.

5.The learned Additional Advocate General appearing on behalf of the respondents 1 and 2 objected the said contentions by stating that the Government has issued guidelines in G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme Department, dated 14.05.2012. Accordingly, educational qualification and the criteria for distance between the centre and the residence of the candidates and communal rotations were contemplated. The



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Selection committee was constituted in Clause 2.11 of the said Government Order. The Selection Committee for recruitment of Anganwadi Worker in all the Districts and Chennai shall be as follows:

2.11 Selection Committee

The Government direct, that the selection committee for the recruitment of Anganwadi Worker in all districts and Chennai shall be as follows:

For all Districts except Chennai

- 1. District Programme Officer*
- 2. Deputy Director (HS)*
- 3. Child Development Project Officer (concerned).*

Selection Committee for Chennai

- 1. Deputy Director (ICDS)*
O/o. Principal Secretary/Special Commissioner,
Intergrated Child Development Services, Chennai – 113.
- 2. Joint Director/Deputy Director (Health)*
- 3. District Programme Officer, Chennai*
- 4. Child Development Project Officer (concerned).*



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6.The age limit has been contemplated in Clause 2.5 and the residence criteria is contemplated in Clause 2.8. Thus, the Selection Committee constituted under the Government order has to conduct interview for the assessment of relative merits between the candidates, who were participated in the process selection. Therefore, the Interview Committee has to assess the candidates based on their merits and ability and also considering the other criteria fixed in the Government guidelines.

7.the Question that arises for consideration is as to whether the High Court in exercise of the powers of the judicial review can interfere with the assessment made by the Interview Committee. Many such writ petitions are filed before the High Court mainly on the ground that assessment made by the Interview Committee is improper. In this regard, this Court is of the considered opinion that the relative assessment of the merits made by the Interview Committee cannot be gone into by the High Court in exercise of the power of judicial review under Article 226 of the Constitution of India. However, the selection can be questioned by the candidates, if such selections are tainted with the allegations of malafides or corrupt practices are established. In such



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circumstances, the authorities against whom the allegations of malafides are raised are to be impleaded as party respondent in their personal capacity. Only in the event of establishing such allegations of malafides or corrupt practices, then alone the Court can consider the manner through which a decision was taken by the Selection Committee. In all other circumstances, the merit assessment made by the Interview committee became final and the High Court cannot sit as an appellate authority regarding the merit assessments made by the Committee by forming an opinion in awarding marks under different heads.

8. One of the ground raised is that the District Level Committee had adopted different procedures. It is the wisdom of the Committee concerned to make an appropriate assessment. The Committee was constituted at District level as per the Government Order and therefore, such comparison is of no avail to the candidates. The Government order issued in G.O.Ms.No.110, dated 14.05.2012, categorically states that Selection Committee is constituted for all the Districts therefore, each District will have a Selection Committee and such Selection Committee has to assess the relative merits between the candidates and such assessment if it is made in an uniform and consistent manner that



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would be suffice to form an opinion that there is no irregularity in the matter of assessment of merit between the candidates. High Court is not expected to go further into the manner through which the marks are award. It is the subjective satisfaction of the Interview Committee who assessed the candidates and the candidates cannot make a submission that I am more meritorious than the other candidates or I have more knowledge on noon meal subject than the other candidates. Such submissions cannot be considered by the High Court in a writ proceedings and therefore, this Court is of the opinion that the grounds raised in this regard by the petitioner are untenable.

9.As per the Interview Committee assessment, the petitioner scored 35 marks and the 3rd respondent scored 40 marks. Both the candidates are residing within the permissible distance as per the Government guidelines and this being the factum, the petitioner has not established any acceptable ground for the purpose of interfering with the order of appointment of the 3rd respondent as Anganwadi Worker. Further, the 3rd respondent is working in the said post for the past about six years. For all these reasons, this writ petition is devoid of merits and stands dismissed. No Costs. Consequently, connected miscellaneous



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petitions are closed.

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10.The Registrar General of Madras High Court is directed to reimburse the deposit amount of Rs.5,000/- if any, deposited by the petitioner.

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(2/2)

Index : Yes
Internet : Yes
Speaking order/Non-Speaking order
ssr



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To

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- 2.The Child Development Project Officer,
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S.M.SUBRAMANIAM, J.

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