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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

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

W.P. No. 31271 of 2017
and
W.M.P. No. 34348 of 2017

Salammal

... Petitioner

-vs-

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The District Integrated Child
Development Officer
Dharmapuri Integrated Child
Development Office
Dharmapuri.
3. The Block Development Officer
Harur Panchayat Union
Harur - 636 903
Dharmapuri District.
4. Sindhu

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the appointment made by the First Respondent by his proceedings dated Na.Ka. No. 1521/2016/X dated 13.11.2017 insofar as the selection and appointment of the fourth respondent is concerned, as the Anganwadi Worker in Panchayat Union Primary School, Kalladipatti, Dharmapuri District, as illegal, malafide, null and void and consequently, to direct the First Respondent to appoint the petitioner as Anganwadi Worker in Panchayat Union Primary School, Kalladipatti, Dharmapuri District.

For Petitioner : No appearance

For Respondents : Mrs. C.Sangamithirai (For R1 & R2)
Special Government Pleader

Mr. R.S.Selvam (For R3)
R4-Notice dispensed with today



O R D E R

Heard Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. R.S.Selvam, Learned Counsel appearing for the Third Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. There is no representation for the Petitioner when the matter is called at 11.00 a.m.

3. In view of the order proposed to be passed, which would not cause any prejudice to the Fourth Respondent, notice to her is dispensed with.

4. The Petitioner and the Fourth Respondent had applied for the post of Anganwadi Worker in the Panchayat Union Primary School, Kalladipatti, Dharmapuri District and the Fourth Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

5. The contention raised by the Petitioner is that the Petitioner is residing 3 kms away from the Panchayat Union Primary School, but the Fourth Respondent, who is residing more than 7 kms away from the Panchayat Union Primary School, has been selected to that post.

6. In the Counter-Affidavit filed by the Third Respondent on 29.04.2018, a tabular statement showing comparative assessment of the inter se merit between the Petitioner and the Fourth Respondent has been provided and the same is extracted below:-

Factors	Marks earned by the Petitioner	Marks earned by the Fourth Respondent
Educational qualification	5	5
Non-priority status (/Destitute Widow/No. Of Children)	9	9
Distance between School and residence	0 (4.5 k.m.)	2 (3 k.m.)
Age	5	4



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Family Status (legal heir /children age / earning status of male child /female child)	0	4
Physical Fitness	10	10
Knowledge on Noon Meal	3	9
Total Marks Earned	32	43

It is evident that the residence of the Fourth Respondent is situated within 3 kms, which satisfies the mandatory condition of falling within 3 kms prescribed in G.O. Ms. No. 163, Social Welfare and Nutritious Meal Program Department dated 18.08.2010 issued by the Government of Tamil Nadu and that the merit of the Fourth Respondent, who had secured 43 marks, was higher than the 32 marks obtained by the Petitioner in the interview.

7. The mere circumstance that the residence of the Petitioner is nearer than that of the Fourth Respondent cannot deprive her from selection when she was otherwise entitled to be appointed to the relevant post. As such, there does not appear to be any justification to interfere with the impugned order in the exercise of discretionary powers of judicial review of the decision-making process under Article 226 of the Constitution.

In fine, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The District Collector
Dharmapuri District
Dharmapuri.



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2. The District Integrated Child
Development Officer
Dharmapuri Integrated Child
Development Office
Dharmapuri.

3. The Block Development Officer
Harur Panchayat Union
Harur - 636 903
Dharmapuri District.

Copy to

1. Salammal,
W/o. Dharmalingam,
Pe.Thathampatti Vilage & Post - 636 906,
Pappireddipatti Taluk,
Dharmapuri District.
2. Sindhu,
W/o. Ilayaraja,
Near Kaliasman Koil,
Ambedkar Nagar,
Harur Town and Post - 636 903,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.17492

W.P. No. 31271 of 2017

RR(CO)
SU(12/05/2022)