



W.P.No.25803 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25803 of 2017
and WMP No.27228 of 2017

Mrs.M.Ramya

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Social Wefare and Nutritious Meal Programme Department,
Rep by its Secretary,
Fort St.George,
Chennai-600 009.
2. The Principal Secretary/Special Commissioner,
Integrated Child Development Service,
Tharamani, Chennai-600 113.
3. The District Collector,
Office of the Collectorate,
Cuddalore.
4. District Programme Officer,
DRDA, Beach Road, Cuddalore.
5. The Deputy Director (Hs),
Beach Road, Cuddalore.
6. Child Development Project Officer,
Child Development Office,
Cuddalore East, Cuddalore-607 006.



W.P.No.25803 of 2017

7. Mrs.D.Thamizhselvi

... Respondents

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Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 7th respondent in Sl.No.119 Anganwadi Worker of the selection list published on 19.09.2017 by the 4th respondent herein and quash the same as arbitrary, illegal null and void and consequential direct the 3rd and 6th respondents to select and appoint the petitioner in Nagappanoor Anganwadi center as per G.O.Ms.No.110 of 2012 dated 14.05.2012 issued by the 1st and wnd respondents.

For petitioner ... Mr.K.Nagendra Prasad

For Respondents ... Mr.V.Arun
Addl.Advocate General
Assisted by
Mr.K.H.Ravikumar
AGP
For R.1 to R.6
No appearance – R.7

ORDER

The petitioner herein, who is an unsuccessful candidate for the post of Anganwadi Worker at Nagappanur Anganwadi Center, which is situated at Nagappanur hamlet of Keelaazhinchupattu Village Panchayat, has questioned the appointment of the 7th respondent in the said post on 19.09.2017.

2. G.O.(Ms)No.110 Social Welfare and Nutritious Meal Programme (SW7)



W.P.No.25803 of 2017

Department, dated 14.05.2012, prescribes the requirement of the residence of the candidate, as per which, the applicant should be a resident of the same hamlet. If no eligible/suitable candidate from the same hamlet is available, candidates from the neighbouring hamlets of the same panchayat of the particular center shall be considered. Even then, if eligible/suitable candidates are not available, candidates from the neighbouring panchayats located within 10 kms shall be considered for the appointment of Anganwadi Worker.

3. In the instant case, the 7th respondent herein originally claims to be a resident of Periyakattupalayam Village, which is in Cuddalore District, as per her application. However, on verification of the Nativity Certificate issued on 20.02.2017, the 7th respondent is a resident of Arisiperiyankuppam Village of Cuddalore Taluk.

4. The learned Additional Advocate General submitted that the 7th respondent's residence, as per Nativity Certificate, is more than 10 kms and hence she would not be qualified for selection to the post of Anganwadi Worker in view of the residency condition imposed in Clause 2.8 of G.O.(Ms)No.110 Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012.



W.P.No.25803 of 2017

5. The learned Additional Advocate General further submits that after her residence was questioned, as per her Nativity Certificate, the 7th respondent herein has not turned up and the post is still kept vacant and no appointment order was issued.

6. When that be so, interference to the alleged appointment of the 7th respondent is not warranted since she has not been appointed and she is also not eligible to be appointed.

7. In such circumstances, liberty is granted to the third respondent herein to conduct fresh selection process in accordance with G.O.(Ms)No.110 Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012.

With the above liberty, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2022

Index: Yes/ No
Speaking Order/Non-speaking Order
SR



W.P.No.25803 of 2017

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To

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W.P.No.25803 of 2017

M.S.RAMESH,J.,

SR

W.P.No.25803 of 2017

20.12.2022