



WEB COPY



W.P.No.26403 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26403 of 2017
and
W.M.P.No.28066 of 2017

P.Rajina Mary

... Petitioner

Vs.

1.The District Collector
O/o. District Collector
Cuddalore District.
Cuddalore.

2.Child Development Planning Officer
Kurinchipadi,
Cuddalore District,
Cuddalore.

3.Mrs.Francisca Baby

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1 and 2 respondents in results published for appointment as Mini Anganvadi Workers in Web Site <http://Cuddalore.nic.in/> cuddalore Anganvadi results 2017-2nd category dated 19.09.2017 and quash the same in so far as it relates to the appointment of



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third respondent relating to Pellanthope (Serial No.38 in the List) and consequently direct the 1 and 2 respondents to appoint the petitioner for the Anganvadi Assistant for the Pellanthope Village.

For Petitioner	: Mr.T.Sivagnanasambandan
For R1 & R2	: Mr.V.Arun Additional Advocate General Assisted by Mrs.S.Mythreye Chandru Special Government Pleader
For R3	: No Appearance

ORDER

The appointment of the 3rd respondent as Mini-Anganwadi Worker is sought to be quashed in the present writ petition.

2. The petitioner participated in the process of selection for appointment to the post of Mini-Anganwadi Worker.

3. The learned counsel for the petitioner states that the petitioner submitted all the relevant documents and attended the interview and performed well. Thus, she was expecting an order of selection and appointment. However, the 3rd respondent, who is lesser qualified than that of the petitioner was appointed.



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4. The learned counsel for the petitioner relied on the marks awarded by the respondents, more specifically, under the head of educational qualification and age.

5. The learned counsel for the petitioner said that for the qualification of SSLC 10marks awarded and for 12th and Diploma they have awarded lesser marks. Thus, the marks awarded are to be reviewed and consequently, the petitioner is to be appointed as Mini-Anganwadi Worker.

6. In the present case, the selection and appointment is made to the post of Mini-Anganwadi Worker, which is last grade post. Preference is given to the candidates, who possess lesser qualification, which is always preferable. In the event of appointing over qualified candidates they may not be in a position to perform the duties as expected and thus, the authorities competent and the Government fixed more marks for the lesser qualifications and those candidates are preferable for such posts.



7. That apart, appointing higher qualified persons in the lower post would result in denial of an opportunity to the lesser qualified persons. Level playing field is to be provided amongst the candidates, who all are equally placed. A candidate, who possessed SSLC qualification, cannot be compared with candidates, who possess 12th standard and Diploma courses. Thus, an equal opportunity in the matter of public employment being a Constitutional mandate, the marks are awarded considering the nature of the posts and duties and responsibilities involved for performing the job.

8. In the present case, the Mini-Anganwadi Workers are performing the job of cooking and taking care of children below five years. Therefore, less qualification is preferable and in order to provide equal opportunity in public employment, more marks were awarded to less qualified candidates and less marks were awarded to higher qualified candidates and the system as such followed cannot be held as illegal or unconstitutional rather is to be upheld as Constitutional as in accordance with the equality clause enunciated under the Constitution.



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9. In the present case, the petitioner scored 12 marks in the interview.

However, the 3rd respondent scored 20 marks and therefore, the 3rd respondent was appointed and thus, the petitioner is not entitled for the relief as such sought for in the present writ petition.

10. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

08.11.2022

Jeni

Index : Yes

Speaking order

To

1.The District Collector
O/o. District Collector
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Cuddalore.

2.The Child Development Planning Officer
Kurinchipadi,
Cuddalore District,
Cuddalore.



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S.M.SUBRAMANIAM, J.

Jeni

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