



W.P. No. 27440 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

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

W.P. No. 27440 of 2017

Devika

... Petitioner

-VS-

1. The District Collector,
Vellore District.

2. The Child Development Project officer,
Narasingapuram,
Anaicut Panchayath Union,
Vellore District.

3. Vimala.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the order of appointment of Third Respondent as Anganwadi Helper is arbitrary illegal, consequently direct the First Respondent to issue appointment order to the Petitioner as Anganwadi Helper of Narasingapuram Centre Anaicut Panchayat Union, Vellore and grant such other further relief.



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For Petitioner : M/s. R.T.Sundari

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

No appearance (for R3)

ORDER

Heard Mrs. R.T.Sundari, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General appearing for First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Third Respondent has been served, she has not entered appearance either in person or through counsel.

3. The Petitioner and the Third Respondent had applied for the post of Anganwadi Helper in Narasingapuram Centre, Anaicut Panchayat Union, Vellore and the Third Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.



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4. The contention raised in the Writ Petition is that the Petitioner is a resident of the same hamlet in which the Anganwadi Centre is located, but the Third Respondent, who is not a resident of that hamlet has been selected to that post. It has been highlighted that in terms of clause 4.8 of G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 issued by the Government of Tamil Nadu, it is only when candidates residing within the same hamlet are not available that selection of candidates from neighbouring Panchayats within a radius of 10 kms could be made.

5. This Court by order dated 01.03.2022 had directed the First Respondent to verify as to whether the residences of the Petitioner and the Third Respondent were situated within the same hamlet at the time of making the application for the said post after issuing notices to them. In furtherance to the said order, additional Counter-Affidavit dated 15.06.2022 has been filed stating that after issuing notices to both parties, it was found that the Third Respondent is a resident of Nattarmangalam Village and the Petitioner is a resident of Narasingapuram Village where the Anganwadi Centre is located. It is also revealed from that additional Counter-Affidavit that the Petitioner alone



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belongs to Narasingapuram Village and all other candidates do not belong to

that village. In such circumstances, the appointment of the Third Respondent, which cannot be sustained, is set aside and the First and Second Respondents shall issue necessary orders appointing the Petitioner to the said post within a period of one month from the date of receipt of copy of this order. This view taken is fortified by decision of the Division Bench of this Court in ***K.Lakshmi -vs- District Collector, Cuddalore*** (Order dated 31.07.2017 in W.A. No. 2728 of 2012). In order to avert any disruption of the functioning of the Anganwadi Centre, the concerned authorities shall make necessary arrangements in that regard and are not precluded from continuing the services of the Third Respondent till the Petitioner joins duty in the said post.

6. Since it has been established that the appointment of the Third Respondent is not in accordance with law, the Petitioner shall be entitled to costs of Rs. 5,000/- payable by the First and Second Respondents, in addition to return of the receipt of the fixed deposit for Rs. 5,000/- which had been handed over by the Petitioner to the Registry in terms of the order dated 01.03.2022 passed by the Court with endorsement to collect that amount with interest from the bank concerned for the same.



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In the result, the Writ Petition is ordered on the aforesaid terms with

costs.

17.06.2022

gd

Index: Yes/No

Note: Issue order copy by 27.10.2022.

To

1. The District Collector,
Vellore District.
2. The Child Development Project officer,
Narasingapuram,
Anaicut Panchayath Union,
Vellore District.

Copy to

1. Devika,
W/o. Teekaraman,
Pillaiyar Koil Street,
Narasingapuram Village,
Poigaimottur Post,
Anaicut Taluk,
Vellore District.
2. Vimala,
W/o. Ilayaraja,
Nattamangalam,
Anaicut Taluk,
Vellore District.
3. The Registrar-General,
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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