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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

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

W.P. No. 27672 of 2017
and
W.M.P. No. 29624 of 2017

R.Tamilarasi ... Petitioner

-vs-

1. The District Collector,
Vellore District,
Sathuvachari,
Vellore - 632 009.

2. The District Integrated Child Development Officer,
Jollarpet Integrated Child Development Office,
Jollarpet - 635 851,
Vellore District.

3. G.Mohana ... Respondents

Prayer:- Writ Petitions 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 appointing the Third Respondent as the Anganwadi Worker in Konapattu Child Centre in Integrated Child Development Office in Jollarpet Division, Vellore District as illegal, malafide, null and void and consequently, to direct the First Respondent to appoint the Petitioner as Anganwadi Worker at Konapattu Integrated Child Development Office, Jollarpet.

For Petitioner : Mrs. Elizabeth Ravi

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

O R D E R

Heard Mrs. Elizabeth Ravi, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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

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3. The Petitioner and the Third Respondent had applied for the post of Anganwadi Worker in Konapattu Child Centre in Integrated Child Development Office, Jollarpet Division, Vellore District and the Third Respondent had been selected to that post, which has been challenged by the Petitioner in this Writ Petition.

4. Though the Petitioner has raised a contention that the Third Respondent had not attended the interview, it is denied by the Second Respondent in the Counter-Affidavit dated 15.12.2017 filed in the Writ Petition. It has been further explained that the merit of the Third Respondent was higher than that of the Petitioner as the Third Respondent had secured 29 marks while the Petitioner had got 27 marks in the interview. 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.

5. Learned Counsel for the Petitioner lastly made a fervent plea that the post has become vacant after the Third Respondent had ceased to work and that the Petitioner may be appointed in her place. It is not possible to countenance the same inasmuch as if a vacancy has arisen, it would have to be filled up following the prescribed procedure in accordance with law and the Petitioner, if she is other eligible, is not precluded from participating in any fresh selection process for the relevant post, but there is no question of directly appointing the Petitioner without following the constitutional mandate of guaranteeing equality of opportunity for all eligible citizens in public employment.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vjt



To

1. The District Collector,
Vellore District,
Sathuvachari,
Vellore - 632 009.
2. The District Integrated Child Development Officer,
Jollarpet Integrated Child Development Office,
Jollarpet - 635 851,
Vellore District.

Copy to

1. R.Tamilarasi,
W/o. Late Ramakrishnan,
Periakonapattu Village and Post - 635 651,
Natrampalli Taluk,
Vellore District.
2. G.Mohana,
W/o. Ganesan,
Noon Meal Organizer,
Veerapalli Village,
Paniyandapalli Post,
Natrampalli Taluk,
Vellore District.

+1cc to M/s.Elizabeth Rani, Advocate, S.R.No.13645

+1cc to the Government Pleader, S.R.No.14602

W.P. No. 27672 of 2017

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