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W.P. No. 28842 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. 28842 of 2017  
and  
W.M.P. No. 31074 of 2017**

Vennila

... Petitioner

-VS-

1. The District Collector,  
Kanchipuram District,  
Kanchipuram.
2. The Tahsildar,  
Chayyur Taluk,  
Kanchipuram District.
3. The Project Officer,  
Children's development scheme office,  
Latthur Taluk,  
Kanchipuram District.

4. Kalaivani

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring that the appointment of the Fourth Respondent as Anganwadi worker in Paramankenikuppam-II Anganwadi centre as void and illegal consequently direct the First and Second Respondents to appoint the Petitioner as Anganwadi worker in Paramankenikuppam-II Anganwadi Centre.



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For Petitioner : Ms. Jayasudha Surya Narayanan

For Respondents : Mr. V.Arun,  
Additional Advocate General assisted by  
Mrs. C.Sangamithirai,  
Special Government Pleader  
(for R1 to R3)

No appearance (for R4)

## ORDER

Heard Ms. Jayasudha Surya Narayanan, Learned Counsel for the Petitioner and Mr. V.Arun, Learned Additional Advocate General assisted by Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

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

3. The Petitioner and the Fourth Respondent had applied for the post of Anganwadi Worker in Paramankenikuppam – II Anganwadi Centre, Lathur Taluk, Kanchipuram District and the Fourth 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 2.8 of G.O. (Ms) No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 based upon which the selection was made, only when candidates residing within the same hamlet are not available, selection of candidates from neighbouring Panchayats within a radius of ten kilometers could be made.

5. In view of the factual dispute raised, this Court by order dated 01.03.2022 had required the First Respondent to verify as to whether the residences of the Petitioner and the Fourth Respondent were located within the same hamlet at the time of making the application for the said post after issuing notices to the concerned parties and produce the entire records relating to comparative assessment of the Petitioner and the Fourth Respondent for suitability for appointment in this case.

6. In furtherance to the said order passed by the Court, the Third Respondent has filed additional Counter-Affidavit dated 12.04.2022 stating that



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after issuing notices to both parties on 08.04.2022, which was received by them, the verification of residence took place in their presence and it was found that the Fourth Respondent is a resident of Cheyyur Village and the Petitioner is a resident of Perunthuravu Village for which records have been produced. In such circumstances, the appointment of the Fourth Respondent by the impugned order, which cannot be sustained, is set aside.

7. Inasmuch as it has been brought to notice that the Petitioner also does not belong to the same hamlet and that two other candidates, viz., V.Sarasu and Priyadharshini, who were residents of the same village at the time of making the application, had not challenged the selection of the Fourth Respondent, it shall be incumbent upon the First to Third Respondents to conduct fresh selection to the post following the prescribed procedure in accordance with law and complete such exercise by 31.12.2022 and file report of compliance before the Registrar (Judicial) of the Court. In order to avert any disruption of the functioning of the Anganwadi Centre, the concerned authorities shall make necessary arrangements and are not precluded from continuing the services of the Fourth Respondent till the properly selected candidate in the new recruitment joins duty in that post.



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8. The fixed deposit for Rs. 5,000/- in the name of Registrar-General of this Court which has been handed over by the Petitioner in the Registry to show her *bonafides* in compliance of the order dated 01.03.2022 passed by the Court shall stand forfeited as she did not satisfy the distance requirement for that post and that amount shall be transferred to the Tamil Nadu State Legal Services Authority as costs realized from the Petitioner in this case.

9. In the result, the Writ Petition is ordered on the aforesaid terms with costs. Consequently, the connected Miscellaneous Petition is closed.

17.06.2022

gd

Index: Yes/No

**Note: Issue order copy by 27.10.2022.**

To

1. The District Collector,  
Kanchipuram District,  
Kanchipuram.
2. The Tahsildar,  
Chayyur Taluk,  
Kanchipuram District.
3. The Project Officer,  
Children's development scheme office,  
Latthur Taluk,  
Kanchipuram District.



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Copy to

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1. Kalaivani,  
W/o. Raj,  
No. 1/103, Bazaar Street,  
Cheyyur,  
Cheyyur Taluk,  
Kanchipuram District.
2. The Registrar-General,  
Madras High Court,  
Chennai – 600 104.
3. The Member Secretary,  
Tamil Nadu State Legal Services Authority,  
North Fort Road,  
High Court Campus,  
Chennai - 600 104.
4. Vennila,  
W/o. Kumar,  
Perunthuravu Village,  
Cheyyur Taluk,  
Kanchipuram District.



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**P.D. AUDIKESAVALU, J.**

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