



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.2962 of 2019

and

W.M.P (MD)Nos.2222 and 2223 of 2019

WEB COPY

Malini

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Children Development Planning Officer,
Sivagangai Panchayat Union,
Sivagangai District.

3.N.Krishnaveni

...Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 1st respondent in his proceedings Se.Mu.Na.Ka.No.1219 / A1 / 2017 dated 23/10/2018 quash the same and consequently directing the 1st respondent to appoint the petitioner as Anganwadi Assistant in Keelakandani, Sivagangai Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan

For Respondents 1 & 2 : Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

The appointment of the third respondent as Anganwadi Assistant is under challenge in the present writ petition.

2.The petitioner states that she participated in the process of selection for appointment to the post of Anganwadi Assistant. The respondents have not considered the case of the writ petitioner, despite the fact that the petitioner is eligible and the third respondent is not the resident of the same village.

3.The contention of the petitioner is that the selection is in violation of G.O.Ms.No.110 Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 14.05.2012

4.Per contra, the learned Additional Government Pleader relying upon the counter affidavit filed by the second respondent and made a submission that the guidelines issued in G.O.Ms.No.110 followed



scrupulously. The method of recruitment for Anganwadi Worker as per G.O.Ms.No.110, are as follows:

"4.8 Residency

The Government direct that the applicant should be the resident of the same hamlet. If no suitable/eligible candidate from the same hamlet is available, the candidate from the neighbouring hamlets of the panchayat of the particular centre shall be considered. Even then, if eligible candidates are not available in the same panchayat, the candidates from the neighbouring panchayats located within 10 kms, shall be considered for the appointment of Anganwadi Helper."

5.In respect of the present selection, the respondents have stated that for Keelakandani Anganwadi Helper post neither the petitioner nor the selected candidate were from the same hamlet nor from the same panchayat. Based on the above Government Order, the petitioner and the third respondent were considered for appointment, the petitioner was aged about only 24 years where as the third respondent was aged about 27 years and older than the petitioner. Considering the fact that the third respondent is older than the petitioner and she was basically an orphan and hence, she was appointed to the post by the authority and the District Collector, Sivagangai, since both do not belong to same hamlet or same panchayat.

6.In view of the fact that both the petitioner and the third respondent were not residing in the same hamlet or panchayat, as per the Government Order, the eligible candidates, who are residing within the radius of 10 Kms, were considered and the third respondent was found more suitable for appointment to the post of Anganwadi Assistant.

7.With these observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Sivagangai District.

2.The Children Development Planning Officer,
Sivagangai Panchayat Union,
Sivagangai District.

+1 CC to M/s.V. KANNAN, Advocate (SR-22024[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22078[F] dated 28/04/2022)

ORDER MADE IN
W.P. (MD)No.2962 of 2019
and
W.M.P (MD) Nos.2222 and
2223 of 2019
27.04.2022

KG (CO)

GC (30.05.2022) 3P 5C