



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.04.2022**

**CORAM**

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

W.P.(MD) No.8370 of 2019

S.Malarvizhi

... Petitioner

-vs-

1. The Director / Special Commissioner,  
Integrated Child Development Services,  
Tharamani, Chennai - 13.

2. The District Collector,  
Virudhunagar District, Virudhunagar.

3. The District Project Officer,  
Integrated Child Development Services,  
Virudhunagar, Virudhunagar District.

4. The Child Development Project Officer,  
Integrated Child Development Services,  
Sattur Block, Virudhunagar,  
Virudhunagar District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 4<sup>th</sup> respondent to appoint the petitioner in the post of Anganwadi Worker, Sattur Block, Kathalampatti Centre, Virudhunagar District commensurate with the petitioner's qualification, age and residential status.

|                 |   |                                     |
|-----------------|---|-------------------------------------|
| For Petitioner  | : | Ms.S.Mahalakshmi                    |
| For Respondents | : | Mr.M.Ramesh,<br>Government Advocate |

O R D E R

The relief sought for in the present writ petition is to direct the 4<sup>th</sup> respondent to appoint the petitioner in the post of Anganwadi Worker, Sattur Block, Kathalampatti Centre, Virudhunagar District commensurate with the petitioner's qualification, age and residential status.



2. This writ petition is filed seeking the post of Anganwadi Worker. Appointment can never be claimed as a matter of absolute right. All appointments are to be made strictly in accordance with the recruitment rules in force. The process of selection is to be conducted through open competitive process by affording opportunity to all the eligible persons who all are aspiring to secure public employments. Thus, appointments are to be made strictly by following the rules in force and therefore, mere representation or filing a writ petition based on the qualification would not confer any right nor provide a ground to grant the relief of appointment.

3. High Court cannot issue a direction to appoint a person. In the present case, the very relief sought for is misconceived. The petitioner states that she applied for the post of Anganwadi Worker and she was the only person from Kathalampatti centre. The 4<sup>th</sup> respondent conducted a personal interview on 20.02.2019 and the petitioner submitted all the certificates and documents sought for by the authorities. However, no order of appointment was issued. It is contended by the respondents that preference should be given to the persons residing in the near by village. However, the petitioner states that a person who is residing in Soorangudi village which is 15 kms away from Kathalampatti centre was made eligible for appointment. If at all any such appointment is made in violation of the Government Orders issued, the petitioner has to challenge such appointment orders. Contrarily, High Court cannot direct the respondents to appoint the petitioner without establishing her right. If at all the petitioner is of the opinion that some ineligible person was appointed or the appointment was made in violation of the rules or Government Orders in force, then the petitioner is at liberty to challenge such appointment made in favour of such persons by impleading those appointed persons as party respondents in the writ petition. This being the procedure to be followed, the relief as such sought for cannot be granted. However, the petitioner is at liberty to redress her grievances in the manner known to law.

4. With the above observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

abr



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+1 CC to M/s.SPL.GP. ( SR-19000[F] dated 18/04/2022 )

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13.04.2022

NSN(CO)  
KB(09.05.2022) 3P 6C