



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.2190 of 2018

and

W.M.P. (MD)No.2437 of 2018

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P.Valliammal

...Petitioner

/Vs./

1.The District Collector,
Tuticorin District, Tuticorin.

2.The District Project Officer (In-charge),
Integrated Child Development Scheme,
Tuticorin District, Tuticorin.

3.V.Subbulakshmi

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent under the proceedings No.A1/2485/2017-AW 351 dated 09.09.2017 and quash the same as void, illegal, unlawful and direct the respondents 1 and 2 to appoint the petitioner for the post of Anganwadi Worker, (அங்கன் வாடி பணியாளர்), Mudivathanendhal East, Tuticorin District by considering the petitioner's application dated 19.08.2017 within a time frame as may be fixed by this Court.

For Petitioner	: Mr.M.Ponniah
For R1 & R2	: Mr.V.Om Prakash Government Advocate
For R3	: Mr.G.Thalaimutharasu

ORDER

This writ petition is filed challenging the proceedings of the first respondent, District Collector dated 09.09.2017 rejecting the petitioner's request for appointment as Anganwadi worker in Anganwadi Centre, Mudivathanendhal East, Tuticorin District (Centre/Centre in question).

2.Petitioner states that she is qualified to hold the said post and had responded to a call-for filling up vacancies in the office of the District Project Officer, Integrated Child Development Scheme, Tuticorin. She was also interviewed on 09.09.2017 and had been asked to produce various documents, which was duly did.

3.While so and fully expecting to be appointed for the post, she came to know that it was R3, who had been selected. In the affidavit filed in support of this writ petition, she alleges



collusion between a family member of the third respondent, who was working in Block Development Office and R1.

4. That apart, that R3 had used unfair means to obtain the posting and her qualifications would entitle her better to the post.

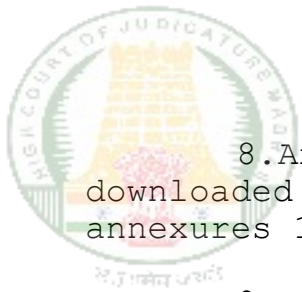
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5. Originally, a counter has been filed by R2, wherein at para 7, they state that the reason for preferring R3 was that she resides in the same locality the centre was and hence was awarded with higher marks on that score. A tabulation of marks that have been awarded to the eight candidates as per counter of R2 is extracted below:

Sl. No.	Name	Residence	Age	Edu. Qual.	Only girl children/social status / disability	General attitude	Total Marks
1.	Backialakshmi	0	32 years 8 marks	10 th std 5 marks		6 marks	19 marks
2.	Murugeskani	40 marks	27 years 4 marks	Diploma 2 marks	7 marks - disability	6 marks	59 marks
3.	Petchiammal	40 marks	25 years 2 marks	12 th std 3 marks	1 Girl Child-3 marks	6 marks	54 marks
4.	Srimathi	0	34 years 10 marks	Diploma 2 marks	--	6 marks	18 marks
5.	Parameswari	40 marks	27 years 4 marks	10 th std 5 marks	--	6 marks	55 marks
6.	Valliammal	40 marks	34 years 10 marks	10 th std 5 marks	7 marks - disability + 3 marks-deserted	6 marks	71 marks
7.	Shanthi	40 marks	31 years 8 marks	12 th std 3 marks	--	6 marks	57 marks
8.	Subbulakshmi	80 marks	34 years 10 marks	12 th std 3 marks	7 marks - Disability	6 marks	106 marks

6. The only parameter in respect of which R3 scores over the petitioner is in regard to distance between their respective houses and the Anganwadi centre.

7. Since only reason adduced is the difference in distance without mentioning any specifics of the distances between the habitation of the petitioner and R3 qua the centre, the parties were directed to provide a diagrammatic representation along with specific measurements and distances in numerical terms to establish their respective stands.



8. An additional counter has been filed by R2 enclosing maps downloaded from Google and the same are annexed to this order as annexures 1 and 2.

9. A perusal thereof do not establish the case of the respondents in any way at all. The distance between the residences of the petitioner and R3 from the Anganwadi centre or the factum of their habitation, continues to remain a mystery.

10. The petitioner has, per contra, filed a sketch prepared by a Registered Engineer of the Tuticorin Corporation, wherein the distance between the address of the petitioner and the Anganwadi centre is 1550 meters, whereas the distance between the house of R3 and the Anganwadi centre is 1730 meters.

11. Both these sketches are also made part and parcel of this order as annexures 3 and 4 thereof. Registry, while issuing certified copy of this order, shall issue enclosures 1 to 4 as part and parcel of this order.

12. The sole defence of the respondents is that the sketch provided by the petitioner is incorrect. However, despite sufficient opportunity having been granted to the respondents to establish the alleged error of the petitioner's sketches as well as to provide materials in respect of their stand that it is R3, who resides closer to the Anganwadi centre, no such material has been provided.

13. G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012 has set out the eligibility criteria for appointment of various persons in Anganwadis including workers, mini workers and helpers. At para 4.8 dealing with residency, it is stated 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 candidates from the neighbouring hamlets of the same panchayat of the particular centre shall be considered. Even then, the eligible candidates are not available, the candidates from the neighbouring panchayats located within 10 kms. shall be considered for the appointment of Anganwadi Helper.

In respect of Anganwadi centres in the Municipality/Corporation area, the applicant residing in the same ward shall be considered. If no eligible candidate from the same ward is available, the candidates from nearby ward shall

and category

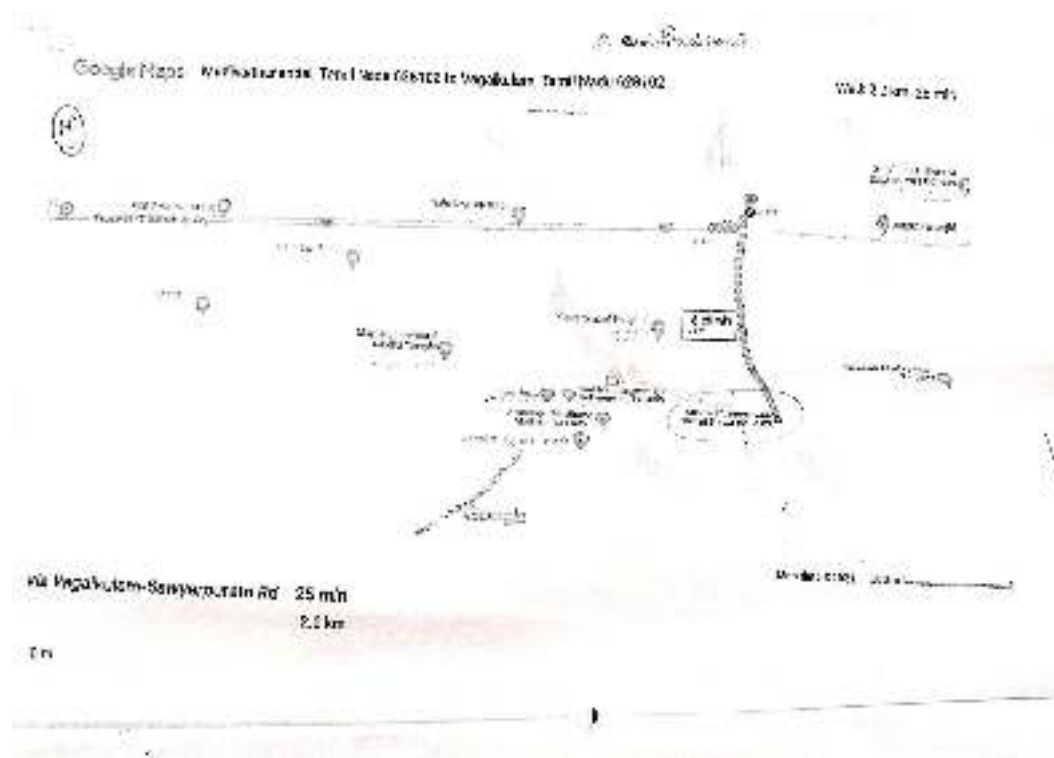
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Sub Assistant Registrar (CS)

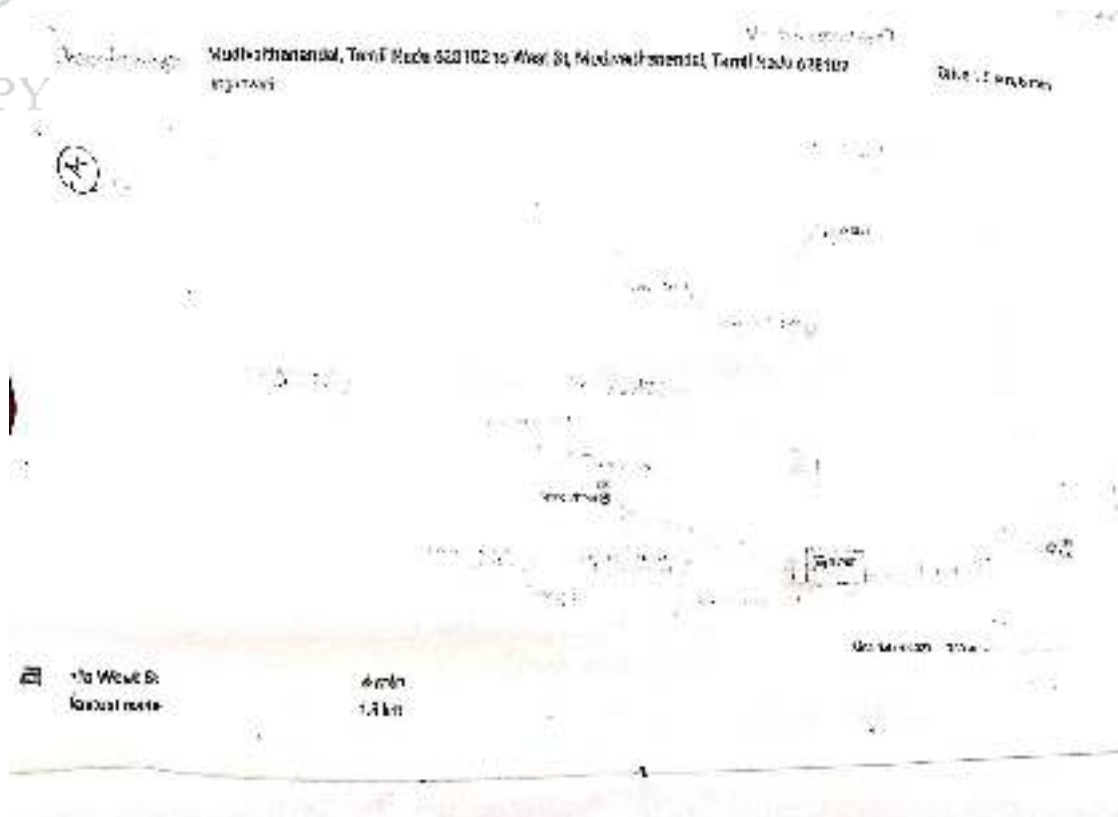
Annexure 1:



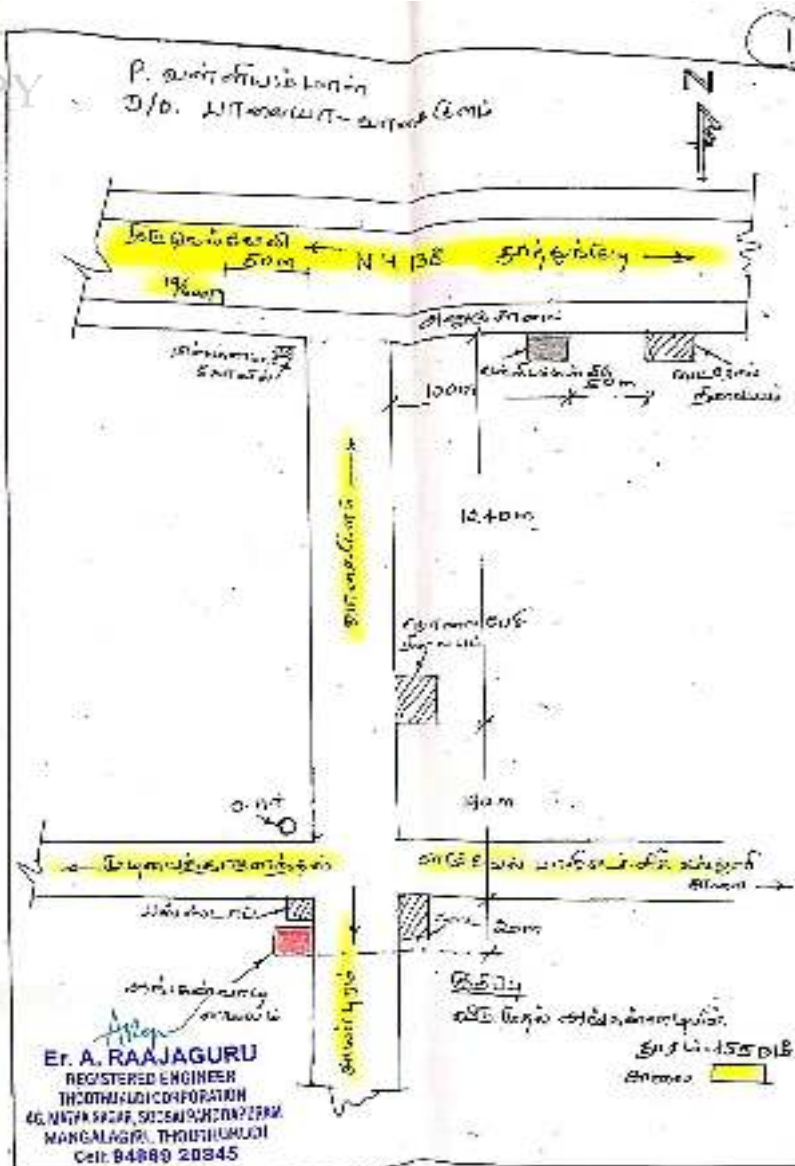


Annexure 2:

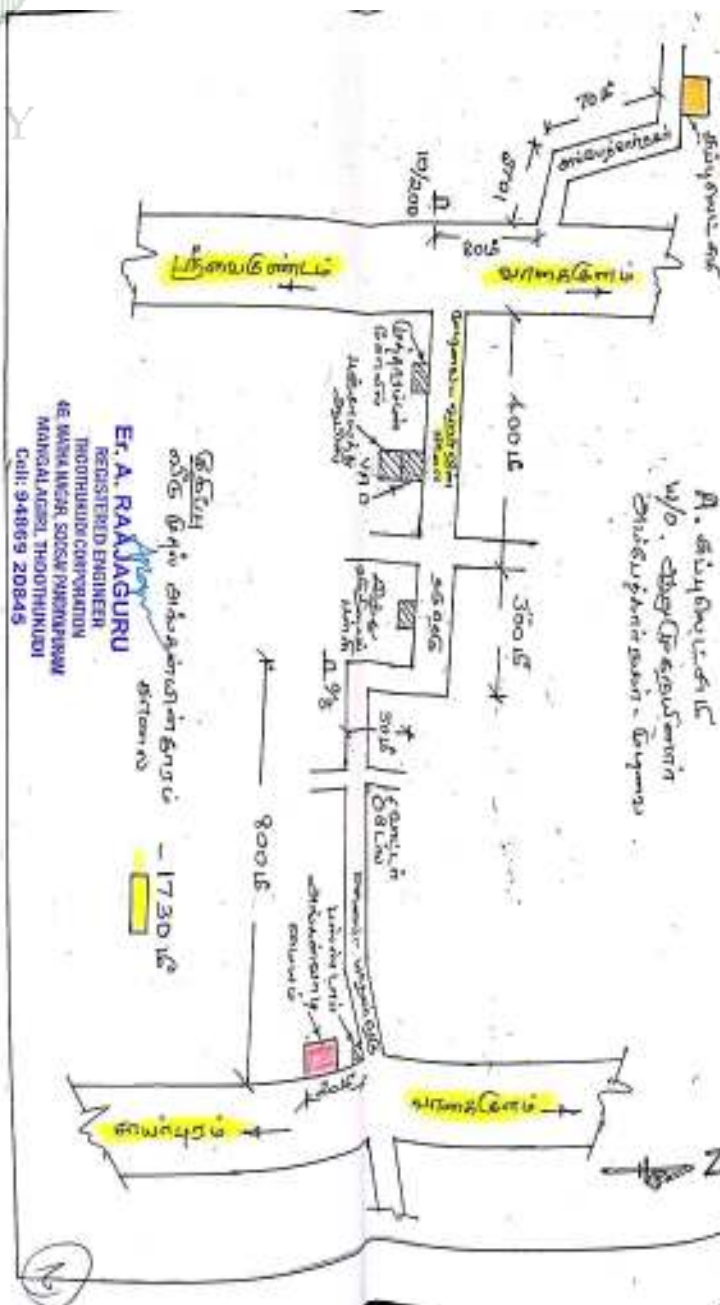
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Tuticorin District, Tuticorin.

2.The District Project Officer (In-charge),
Integrated Child Development Scheme,
Tuticorin District, Tuticorin.

+1 CC to M/s.SPL.GP (SR-3358[F] dated 01/02/2022)

+1 CC to M/s.M.PONNIAH, Advocate (SR-3260[F] dated 31/01/2022)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-3740[F] dated
02/02/2022)

Order made in
W.P. (MD) No. 2190 of 2018
Dated: 31.01.2022

nsn(CO)
TR(09.02.2022) 8P 6C