



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.20156 of 2017

and

W.M.P. (MD) .No.16431 of 2017

K.Mariammal

... Petitioner

vs

1. The District Collector,
District Collectorate Office,
Tuticorin,
Tuticorin District.

2.The Block Children Development Project Officer,
Integrated Children Welfare Projects,
Pudur Panchayat Union,
Pudur,
Tuticorin District.

3.The Block Development Officer,
Pudur Panchayat Union Office,
Pudur,
Tuticorin District.

4.M.Kalaiselvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the appointment of the fourth respondent as Anganwadi worker for the Village namely Srirengapuram, Pudur Panchayat Union of Tuticorin District and set aside the same as illegal and consequentially directing the 1st to 3rd respondents to issue fresh notification for the post of Anganwadi Worker for the Village namely Srirengapuram, Pudur Panchayat Union of Tuticorin District by issuing fresh notification.

For Petitioner : C.M.Arumugam

For R-1 to R-3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

For R-4 : Mr.R.R.Kannan

O R D E R

This Writ Petition has been filed to quash the appointment of the fourth respondent as Anganwadi Worker for the Village namely Srirengapuram and consequently direct the official respondents to issue fresh notification for the post of Anganwadi Worker for the Village namely Srirengapuram.



2. The brief facts of the case are that the petitioner is the permanent resident of Melakalloorani Village in Kumarettiapuram Panchayat in Thoothukudi District. The petitioner has possessed SSLC qualification and having two children. On 07.04.2015, the petitioner's husband died leaving behind the petitioner and her two daughters as legal heirs. The petitioner is doing some menial agricultural related work and eking her livelihood.

3. On 18.08.2017, in Tamil Daily Dhinakaran Newspaper, a notification was published for recruitment for the post of Anganwadi worker. The petitioner submitted an application but the second respondent informed as far as the Srirengapuram Anganwadi is concerned, it was reserved for the general category with a priority to ex-serviceman. If there is no eligible candidate then a renotification will be issued. The respondents denied the petitioner's application stating that the petitioner does not belong to Srirangapuram. Thereafter, the petitioner applied for Kovilkumarettiapuram Village. The petitioner came to understand that the fourth respondent applied for Srirengapuram Village but she does not come under the ex-service man category. The petitioner approached the third respondent on 11.09.2017 and it was informed that the fourth respondent was selected as Anganwadi Worker for Srirengapuram. The contention of the petitioner is that the fourth respondent does not come under the preferential / priority category but the fourth respondent was appointed in the said post. The petitioner submitted representations to respondents 1, 2 and 3 on 23.09.2017. Till date, no action was taken. Therefore, the petitioner was constrained to file this Writ Petition to quash the impugned order of selection list.

4. The second respondent had filed a counter and submitted that the petitioner approached the second respondent, it was informed that the re-notification would be given if no eligible candidate had applied for the post at Srirengapuram Anganwadi Centre. It is also explained to the petitioner that the particular center is allotted for priority category under ex-service man. The application will be received from the general candidates also and if no candidate under priority is applied, then the general category will be selected based on the assessment in the interview. In Srirangapuram Anganwadi Centre, one Kalaiselvi, the fourth respondent herein alone had applied. As there is no other candidate either under ex-service category or under general category, the fourth respondent has been appointed as the Mini Anganwadi Worker for Srirengapuram. The petitioner has applied for Kovil Kumareddiyarpuram Anganwadi Centre and she was called for interview and she attended the interview on 09.09.2017 but was not selected. The present Writ Petition is filed without disclosing the said facts and the petitioner has suppressed those facts.



5. The fourth respondent has filed a counter stating that the fourth respondent is the permanent resident of Srirengapuram Village and she has studied SSLC in the academic year 2002 and belongs to backward class community. The fourth respondent has registered in the employment exchange office and her name was sponsored by employment exchange office. The application of the fourth respondent was in compliance with all required criteria at Srirangapuram Anganwadi Centre in No.54 and was eligible to the post and she was selected in the common interview process conducted on 04.09.2017 and posted in the Srirengapuram Mini Anganwadi Centre on 09.09.2017 and she took charge on 12.09.2017. The writ petitioner is the resident of Keelakal Oorani Village and she has applied for Main Anganwadi worker at Kumareddiyarpuram Anganwadi Centre which is the petitioner's native Village. The petitioner was also called for the common interview conducted on 04.09.2017 and she was not selected. Since she has failed to qualify herself, now she is challenging the appointment of the fourth respondent to which the petitioner had not applied at all. The petitioner has already competed and failed for the Main Anganwadi Worker at Kumareddiyarpuram. Moreover, the fourth respondent is not belonging to Srirengapuram Village. The writ petitioner is a resident of Keelakal Oorani which is 4 km away from Srirengapuram. Since the fourth respondent was selected based on the common interview process and there is no discrepancy at all in her selection process and also qualification. Therefore, the petitioner has no locus standi to file this Writ Petition and prayed for dismissal.

6. Heard C.M.Arumugam, learned counsel for the petitioner and Mrs.D.Farjana Ghoushia, learned Special Government Pleader for respondents 1 to 3 and Mr.R.R.Kannan, learned counsel for the fourth respondent and peruse the materials placed on record.

7. The contention of the petitioner is that the petitioner submitted an application before respondents 1 to 3 but the respondents refused to receive the application. On perusing the records, it is seen no evidence placed before this Court that the petitioner submitted an application for Srirangapuram Village and the same was refused. The petitioner also contended the respondents declined to receive her application. When a specific question was posed to the petitioner and if that is so, she should have applied under registration post with acknowledgment due. The petitioner admitted that she has not chosen to do so. When the official respondents took a plea, she did not apply at all then the petitioner ought to have filed a reply affidavit denying the contents, but the petitioner did not do so.

8. This Court directed the official respondents to submit the file to peruse the records. The official respondents appeared



today i.e. 11.02.2022. On perusal of the records, the official respondents had made entry of all the applications which was received by them. Since the common interview was conducted for all the centers, a common register was maintained. Therefore, it cannot be stated that the respondents refused to receive the petitioner's application. Infact the petitioner submitted an application for Kumareddiyarpuram and had participated in the common interview process which was conducted on 04.09.2017. The petitioner failed to qualify and did not get the appointment for the Main Anganwadi Centre of Kumareddiyarpuram.

9. There is no evidence before this Court, the petitioner has applied for Mini Anganwadi Centre of Srirengapuram. The petitioner also alleged malafides against the official respondents but has not impleaded anyone in their personal capacity. It is also seen that the petitioner and the fourth respondent does not belonged to ex-service man priority category. The official respondents specific stand is, the said post is allotted to general category and if no candidate under priority category applied, the general category would be selected. Therefore, the allegations at the fourth respondent does not belong to ex-service man category also fails.

10. Therefore, this Court is of the considered view the petitioner has not made out any case for interference in the appointment of the fourth respondent.

11. The petitioner claims that she would be completing 40 years of age in March 2022 and pray to direct the respondents to relax the age and consider the petitioner's candidature for future appointment. This prayer cannot be entertained, since the qualification and age limit come under the domain of the recruitment process.

12. Since the petitioner is a widow having two children, this Court is directing the District Collector, Thoothukudi District to consider the petitioner's claim and if possible, the petitioner's candidature may be considered in accordance to law.

13. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr



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,
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+1 CC to M/s.SPL GP (SR-5889[F] dated 14/02/2022)

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MGJ(10.03.2022) 5P 5C