



WEB COPY



W.P No.755 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.755 of 2020

and

WMP.No.914 of 2020

P.Sathya

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Petitioner

Vs.

1.The Director,
Integrated Child Development Services,
Tharamani,
Chennai 600 113.

2.The District collector,
Namakkal District,
Namakkal.

3.The District Programmer Officer,
Namakkal,
Namakkal District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the files of the third respondent in Na.Ka.No.219/A3/2019 dated 17.07.2019 and to quash the same and further direct the 3rd respondent to promote the



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petitioner as Anganwadi helper to the Anganwadi worker.

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For Petitioner : Mr.K.Prakash

For Respondents : Mr.P.Sanjai Gandhi
Government Advocate

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to call for the records of the files of the third respondent in Na.Ka.No.219/A3/2019 dated 17.07.2019 and to quash the same and further direct the 3rd respondent to promote the petitioner from Anganwadi helper to the Anganwadi worker.

2. Heard, Mr.K.Prakash, learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Government Advocate for the respondents.

3. The petitioner had joined as an anganwadi helper on 07.09.2007 as per the Integrated Child Development Scheme. It is submitted by the petitioner that as per G.O.Ms.No.110 Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012, 25% of posts of



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Anganwadi worker shall be filled up from amongst the Anganwadi helpers who had put 10 years of satisfactory service and also possess the requisite qualification for selection of Anganwadi workers. After completing 10 years of service and with the requisite qualification, the petitioner applied for the promotion to the post of Anganwadi worker. But her request was rejected by the respondent by stating the reason that the petitioner has not completed 20 years of age at the time of appointment of Anganwadi worker. Hence, the petitioner has filed this petition for seeking direction to appoint herself as an Anganwadi worker by taking into consideration of her qualifying service.

4. Mr.K.Prakash, learned counsel for the petitioner submitted that the District Collector did not have any authority to fix the age limit between 20 to 25 years for the post of Anganwadi helper without any mandating rules. Without any source of power to prescribe such a condition it ought not to have formed part of the recruitment conditions. It is further submitted that the petitioner had completed 30 years of service on the date of giving representation. As per the birth certificate of



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the petitioner her date of birth is 07.04.1988. Even if the age limit prescribed in the proceedings of the Collector is presumed to be based upon any rules, on the date of the representation the petitioner had crossed the required age of 25 years which is the minimum age fixed of the Anganwadi workers.

5. Per contra, Mr.P.Sanjai Gandhi, learned Government Advocate for the respondents submitted that in the call letter itself it is stated that the the minimum age limit for the Anganwadi helper is 20 years and the petitioner suppressed the above fact at the time of joining and hence, her representation is rightly rejected.

6. In the impugned rejection order, the underage of the petitioner at the time of appointment has been shown as the reason for rejection. However, the call letter does not state about the rule under which the minimum age requirement is given in the call letter. Even if the minimum age is an essential requirement for consideration for the appointment of helper, at the time of appointing the petitioner itself the condition ought



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to have been taken by the respondent seriously and the age proof ought to have been verified.

7. It is not the contention of the respondents that the petitioner had given any false declaration about her age or had given any false certificate to show that her age is above 20 at the time of her appointment as a helper. A condition which has been taken liberally by the respondents at some point of time shall not be considered as a serious violation when an employee applies for getting any future benefits like promotion etc.,

8. Even if the respondent has started to consider the age requirement as a serious condition now, the petitioner is seen to be fulfilling the same, as she has completed 30 years as on 24.06.2019 by taking her date of birth as 07.04.1988. Hence the respondents shall not reject the representation of the petitioner on the ground of not having minimum age.



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9. In the result this writ petition is **allowed** and the impugned order passed by the third respondent in Na.Ka.No.219/A3/2019 dated 17.07.2019 is set-aside and the petitioner are at liberty to give a fresh representation to the respondents 2 and 3 and on receipt of the same the respondents 2 and 3 to pass appropriate orders within a period of 6 weeks from the date of receipt of the representation. No cost. Consequently, connected miscellaneous petition is closed.

01.11.2023

Index : Yes

Internet : Yes/No

jrs



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To
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R.N.MANJULA, J.

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