



W.P.No.4484 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM :

THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.4484 of 2020
and
W.M.P.No.5318 of 2020

C. Regina Mari

... Petitioner

Versus

- 1.The District Collector,
The District Collector Office,
Nagapattinam & District.
- 2.The District Project Officer,
The District Project Office,
(Integrated Child Development Project),
Nagapattinam & District.
- 3.The Child Development Project Officer,
(Integrated Child Development Project),
Keel Velur Taluk,
Nagapattinam District.

4.K. Uma Rani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent passed in Se.Mu.Na.Ka.No.1048/A1/2017, dt.22.12.2017 and quash the



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same and direct the second respondent to appoint the petitioner for the post of Micro Anganwadi worker at Anakudi Children Anganwadi Center, Keelvelur Taluk, Nagapattinam District.

For Petitioner : Mr. M. Prabhavathi
for Mr. M. Thamizhavel

For Respondents : Mr. T. Cheziyan, (for R1 to R3)
Additional Government Pleader.

: Mr. C. K. Chandrasekhar (for R4)

ORDER

This Writ Petition has been filed seeking a direction to call for the records pertaining to the impugned order of the second respondent passed in Se.Mu.Na.Ka.No.1048/A1/2017, dt. 22.12.2017 and quash the same and to direct the second respondent to appoint the petitioner for the post of Micro Anganwadi worker at Anakudi Children Anganwadi Centre, Keel Velur Taluk, Nagapattinam District.

2.The case of the petitioner is that the second respondent released the list of vacancies for the post of Micro Anganwadi Workers in the area of Keel Velur Taluk in Nagapattinam District. The petitioner sent the

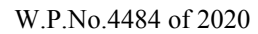


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application for the said post of Micro Anganwadi Worker on 24.08.2017.

The petitioner was called for the interview by the third respondent through the Call Letter dated 30.08.2017 and instructed the petitioner to be present on 05.09.2017 at 12.00 noon with the required particulars. The petitioner also appeared for the interview conducted by the third respondent on the said date for the vacant post of Micro Anganwadi Worker at Anakudi Village, which was reserved for S.C.(Women). The petitioner is eligible for the said post in any angle, but, the petitioner was rejected and the said post was given to the fourth respondent, who is not fulfilled the qualifications prescribed for the said post. Hence, the Writ Petition.

3.Learned counsel for the petitioner would submit that one of the conditions imposed by the third respondent is that the candidates who are applying for the said post must reside nearby the Anganwadi Centre, in that category the petitioner is eligible for the said post and the further required qualifications are that the candidates who have applied for the said post should have the minimum qualification of 10th standard pass, and they should know Tamil language to read and write. The petitioner



4. Further, the learned counsel for the petitioner would submit that as per G.O.(Ms).No.110, dated 14.05.2012, the age limit for the said post is between 25 to 35 years and the minimum education qualification is 10th standard pass, but, the fourth respondent is having more qualification than the required one and above the age prescribed i.e., 40 years old. Therefore, the fourth respondent has been selected as a Micro Anganwadi Worker by the third respondent, is overlooked and a violation of the



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conditions prescribed for the said post. Therefore, the petitioner made a representation to the second respondent on 25.09.2017 against the issuance of the selection order to the fourth respondent, but, it was not noticed and responded to. Again, the petitioner made a representation before the first respondent on 27.12.2017 for the very same issue. Even though, respondents 1 & 2 acknowledged the petitioner's representation dated 25.09.2017 and 27.12.2017, no steps were taken by the third respondent. According to the petitioner, the second respondent has erroneously appointed the fourth respondent as Micro Anganwadi Worker without scrupulously scrutinizing the certificates to the said post. Aggrieved by the impugned order dated 22.12.2017 passed by the second respondent appointing the fourth respondent as Micro Anganwadi Worker, the petitioner has come forward with the present Writ Petition to meet the ends of justice.

5.Learned Additional Government Pleader appearing for respondents 1 to 3 has filed a counter affidavit on behalf of the second respondent, dated 25.04.2023, wherein, paragraph No.7 of the counter affidavit states as follows :



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“7. With regard to contents made in Paragraph No.8 of the Petitioner's affidavit, it is respectfully submitted that the respondent are properly scrutinised the documents produced by the applications those who are participated in the interview. There are 12 candidates participated, in which 10 were present and 2 candidates were absent. The Petitioner herein got 4^{1/2} marks and whereas the 4th Respondent got 8 marks. The petitioner alleged that the 4th respondent is 40 years old and the age limit is 35 years only, actually, the 4th respondent is 35 years at the time of process of selection and appointment, and she has no option to get employment because nearing to cross the 35 years and whereas the Petitioner has chances to get employment in future. Further, the 4th Respondent had obtained certificate from the Village Administrative Officer of Venmani, Keel Velur Taluk for distance of 2 km from the Centre to the 4th Respondent house. Taking into consideration of th marks, age and other criteria, the 4th respondent was selected to the post of Mini Anganwadi Worker.

The Centre is allotted for SC(Woment) (Non-Priority) The details of the Petitioner and the 4th



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Respondent as follows:

<i>Name</i>	<i>C.Regina Mary</i>	<i>K.Uma Rani</i>
<i>Qualification</i>	<i>SSLC</i>	<i>D.TED</i>
<i>Date of Birth</i>	<i>30.06.1989</i>	<i>22.11.1982</i>
<i>Age</i>	<i>28</i>	<i>35</i>
<i>Community</i>	<i>SC</i>	<i>SC</i>
<i>Distance</i>	<i>½ km</i>	<i>2 km</i>
<i>Marital Status</i>	<i>Married</i>	<i>Married</i>
<i>Marks</i>	<i>4^{1/2}</i>	<i>8</i>

”

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the vacancy available in the Mini Centre Anganwadi Workers have been closed, based on GoI letter, MWCD No.11/2/2022-CD-1(e-99795), dated 14.06.2023 of the Ministry of Women and Child Development, with regard to the upgradation of Mini Anganwadi Centres to Main Anganwadi Centres, issued by the Ministry of Women and Child Development, New Delhi. Further, the learned Additional Government Pleader would submit that there is a vacancy in Parangi Nallur Anganwadi Centre, which is situated approximately 12 km away from the residing place of the petitioner, in which, the petitioner can be accommodated to the said post.



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7. Heard the learned counsel appearing on either sides and perused the material records of the case.

8. In view of the above submissions made by the learned Additional Government Pleader appearing for respondents 1 to 3, it seems that there is a vacancy arisen for the post of Micro Anganwadi Worker in Parangi Nallur Anganwadi Centre, in which, the petitioner can be accommodated to the said post. Therefore, the second respondent is directed to send a proposal to the first respondent/The District Collector of Nagapattinam District for the appointment of the petitioner as Anganwadi Worker in the vacant place of Parangi Nallur Anganwadi Centre, within a period of four weeks from the date of receipt of a copy of this order, and thereafter, the first respondent shall consider the same on merits, in accordance with the law, and pass appropriate orders, within a period of four weeks. The second respondent is directed to appoint the petitioner as Anganwadi Worker in Parangi Nallur Anganwadi Centre, Keel Velur Taluk, Nagapattinam District, within a period of four weeks after receiving the order from the first respondent / The District Collector



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of Nagapattinam District.

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9.The Writ Petition is disposed of with the above direction and observation. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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