



WEB COPY



W.P.No.5647 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM:

THE HON'BLE MR.JUSTICE **P.B.BALAJI**

W.P.No.5647 of 2018 and
W.M.P.No.6985 of 2018

M.Vijiselvi

... Petitioner

Vs.

1.The District Programme Officer,
Dharmapuri District, Dharmapuri.

2.The Project Officer – Child
Development Scheme,
Dharmapuri.

3.Sumathi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in Pro.Sa.Moo.Na.Ka.No.539/A1/2017 dated 09.02.2018 and quash the same and issue consequential directions to the first respondent herein to appoint the petitioner as Anganwadi Helper in the Kullanoor Centre, Dharmapuri Taluk and District.



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For Petitioner : Mr.R.Dhanasekar
For Respondents : M.V.Arun, Addl. Advocate General
Assisted by Mr.R.Kumaravel
Addl. Government Pleader for R1 & R2
No appearance for R3

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in Pro.Sa.Moo.Na.Ka.No.539/A1/2017 dated 09.02.2018 and quash the same and issue consequential directions to the first respondent herein to appoint the petitioner as Anganwadi Helper in the Kullanoor Centre, Dharmapuri Taluk and District.

2. The grievance of the petitioner is that though she was fully qualified for the said post, the first respondent has proceeded to appoint the third respondent without even considering the eligibility norms prescribed under G.O.Ms.No.110, Social Welfare & Nutritious Meal Programme Department, dated 14.05.2012. According to the petitioner, the third respondent is residing 3 kms away from the Centre and to the contrary, the petitioner is residing 10 feet away from the Centre. Therefore, according to the petitioner, viewing from any angle, she should have been appointed.



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3. The 1st and 2nd respondents has filed a counter justifying the appointment of the third respondent and stated that the appointment was purely based on the marks scored by the candidates in the interview. Therefore, there is no illegality or irregularity in the procedure adopted by the official respondents.

4. An additional counter has been filed by the second respondent stating that the guidelines set out in G.O.Ms.No.110, Social Welfare & Nutritious Meal Programme Department, dated 14.05.2012, has been scrupulously followed during the selection process. Even in the interview that was held, the third respondent has obtained 6 marks over and above the writ petitioner. In so far as the residence factor is concerned, it is stated that both the petitioner and the third respondent are residing in the same Village Panchayat viz., Elakkiyampatty. Therefore, considering the same, the appointment of the third respondent cannot be questioned.

5. Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents 1 and 2 and perused the materials available on record.



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Social Welfare & Nutritious Meal Programme Department, dated 14.05.2012, has been followed by the respondents and the petitioner's allegations have been shown to be incorrect and moreover, even in the interview, the third respondent has scored more marks than the petitioner. Thus, the appointment of the third respondent cannot be set aside on any of the grounds put forth by the petitioner.

7. For the above said reasons, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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To

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Dharmapuri District, Dharmapuri.
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P.B.BALAJI, J.

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