



W.P.No.21181 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.21181 of 2018

and

W.M.P.Nos.24851 & 24852 of 2018

V.Malathi

... Petitioner

Vs.

1.The District Collector,
Villupuram District.

2.The Block Development Officer,
Gingee Panchayat Union,
Gingee, Villupuram District.

3.The Child Development Project Officer,
Gingee Taluk,
Gingee, Villupuram District.

4.M.Valli

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 herein to cancel the order of appointment of 4th respondent as Anganwadi Worker at Anganwadi Center, No.58, Palapadi Village, Sathiyamangalam Panchayat, Gingee Panchayat Union, Villupuram District and consequently direct the respondents herein to select and appoint the petitioner as Anganwadi Worker



W.P.No.21181 of 2018

at Palapadi Anganwadi Centre No.58, Sathiyamangalam Panchayat, Gingee Panchayat Union, Villupuram District as per the interview and selection conducted by the 2nd and 3rd respondents on 01.09.2017.

For Petitioner : Mr.J.Selvarajan

For Respondents : M.V.Arun, Addl. Advocate General
Assisted by Mr.R.Kumaravel
Addl. Government Pleader for R1 & R3
Mr.T.Chezhian,
Addl. Government Pleader for R2
No appearance for R4

ORDER

The petitioner seeks issuance of writ of mandamus to direct the respondents 1 to 3 to cancel the order of appointment of the fourth respondent as Anganwadi Worker and consequently, appoint the petitioner as Anganwadi worker.

2. The grievance of the petitioner is that she resides in the Village where the Centre is situated and she was fully qualified and met the eligibility criteria. However to her utter shock, the fourth respondent has been appointed contrary to the rules as well as the G.O.Ms.No.110 Social Welfare & Nutritious Meal Programme Department, dated 14.05.2012. The petitioner has also stated that the fourth respondent does not even reside in the same village



W.P.No.21181 of 2018

where the Centre is situated and ignoring the same, the respondents 1 to 3, appointed the fourth respondent based on the higher mark secured by the fourth respondent in the interview.

3. The third respondent has filed an additional counter, wherein, it is admitted that the petitioner resides in the same village where the Anganwadi Centre is situated and the fourth respondent resides in the next Panchayat which is at a distance of 2 kms away from the Centre. However, the third respondent stated that since the fourth respondent obtained more marks than the petitioner in the interview, the fourth respondent was appointed to the said post.

4. Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents assisted by the learned Additional Government Pleader and perused the entire materials and pleadings available on record.

5. It is admittedly seen that the residence rule contemplated in G.O.Ms.No.110, Social Welfare & Nutritious Meal Programme Department,



W.P.No.21181 of 2018

dated 14.05.2012, has not been followed in the instant case. The respondents

1 to 3 are entitled to appointed the candidate from the neighbouring village only if there is no eligible or suitable candidate in the same village. However, the fourth respondent admittedly resides in the next panchayat. Therefore, she could not be within the zone of consideration for appointment. Therefore, the appointment of the fourth respondent has to be set aside.

6. Hence, the appointment of the fourth respondent is set aside and the first respondent shall take steps to undertake a fresh selection process. The petitioner is at liberty to apply for the said post. Till the first respondent undertakes the said exercise and appoints a suitable candidate, the fourth respondent shall be permitted to continue in the said post only for the reason that the functioning of the Centre should not be affected. It is not open to the fourth respondent to claim any privileges as a consequence of permitting her to work in the said post, till the said exercise is completed by the first respondent. The first respondent shall complete the selection process within a period of three months from the date of receipt of a copy of this order.



W.P.No.21181 of 2018

7. With the above directions, this Writ Petition is disposed of.

Consequently, connected Miscellaneous Petitions are also closed. No costs.

Index: Yes/No
Speaking / Non Speaking Order
gsk

28.06.2023

To

- 1.The District Collector,
Villupuram District.
- 2.The Block Development Officer,
Gingee Panchayat Union,
Gingee, Villupuram District.
- 3.The Child Development Project Officer,
Gingee Taluk,
Gingee, Villupuram District.



WEB COPY



W.P.No.21181 of 2018

P.B.BALAJI, J.

gsk

W.P.No.21181 of 2018 and
W.M.P.Nos.24851 & 24852 of 2018

28.06.2023