



W.P.No.1484 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P.No.1484 of 2018
and W.M.P.Nos.1888 & 1889 of 2018

V.Sasikala

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
Social Welfare & Nutritious Meal
Programme Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3.The Child Development Project Officer,
Thiruvannamalai,
Thiruvannamalai District.

4.S.Radhika

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
to issue a Writ of Certiorarified Mandamus, to call for the records relating



W.P.No.1484 of 2018

to the impugned selection list issued by the 2nd respondent in No.Nil dated 19.01.2018 and to quash the same is so far as inclusion of the name of 4th respondent for selection to the post of Anganwadi Worker in respect of 'Isukuli Katteri Ration Shop Anganwadi Centre' at Thiruvannamalai (Rural), Thiruvannamalai District is concerned and consequently directing the respondents 1 to 3 to appoint the petitioner in the post of Anganwadi Worker in Isukuli Katteri Ration Shop Anganwadi Centre at Thiruvannamalai (Rural) under Physically Handicapped Quota with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents
For RR1 & 3 : Mr.V.Arun
Additional Advocate General
assisted by
Mr.R.Kumaravel
Additional Government Pleader

For R4 : No appearance

ORDER

The petitioner seeks issuance of a Writ of Certiorarified Mandamus, to call for the records in the impugned selection list dated 19.01.2018 and quash the same, in so far as inclusion of the 4th



W.P.No.1484 of 2018

respondent's name to the post of Anganwadi Worker and consequently, direct the respondents 1 to 3 to appoint the petitioner in the post of Anganwadi Worker under Physically Handicapped quota, together with all consequential and other attendant benefits.

2. The case of the writ petitioner is that she is a Physically Handicapped candidate with 60% physical disability. She has completed 10th Standard and she applied for the post of Anganwadi Worker pursuant to the newspaper notification issued by the 2nd respondent. The petitioner was called for an interview on 12.09.2017 on which date she also produced her all relevant certificates. Thereafter, the petitioner shocked that the 4th respondent was selected for the post of Anganwadi Worker and the petitioner's application was not considered. According to the petitioner, Rule 22 of Tamil Nadu State and Subordinate Service Rules requires reservation of appointments for Blind, Deaf and Handicapped candidates. However, without following any of the rules, the 2nd respondent had appointed the 4th respondent. For all these grounds, the writ petition is filed.



W.P.No.1484 of 2018

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3. The 3rd respondent has filed a counter affidavit stating that the nature of job in the Anganwadi Centre requires taking care of small children, cook and feed them, play with them besides also teaching them in the primary level. The petitioner admittedly being a physically challenged person would not be in a position to perform her duties to the satisfaction of the very post and in fact, it would be dangerous to allow a person with physical disability to move around with children. It would also be a big risk factor for the petitioner as well.

4. Heard the learned counsel for the petitioner and Mr.V.Arun, learned Additional Advocate General for the respondents 1 to 3 and perused the materials available on record.

5. Mr.V.Arun, learned Additional Advocate General pointed out from the typed set of papers filed by the 3rd respondent that the centre involved in the present case is a general category centre and not a priority category centre. Insofar as minimum reservation of 3% provided under Rule 22 of the Tamil Nadu State and Subordinate Service Rules is concerned, the Learned Additional Advocate General for the respondents



W.P.No.1484 of 2018

WEB COPY

1 to 3 would invite the attention of the Court to G.O.Ms.No.21 dated 30.05.2017 whereunder the reservation for differently abled person has been increased from 3% to 4% in all State Public Services / Public Sector undertakings / Boards / Corporations etc., and he would refer to the details of appointments made to such special category meeting the minimum requirement of 4%. He would further submit that 44 persons have been appointed in various localities under the category of physically challenged / disabled. Therefore, according to the learned Additional Advocate General there is absolutely no infirmity in the procedure adopted by the 2nd respondent and the petitioner has not entitled to any relief to this Court.

6. This Court, at the outset, would state that the petitioner being a physically challenged person by itself would not automatically entitle her to appointment. The nature of the job would have to be first and foremost considered and only if the disability of the petitioner is of such a nature that it would not affect her from effectively discharging the functions of the required post, she could be a candidate fit for consideration. Here, admittedly, as rightly pointed out by the learned Additional Advocate



W.P.No.1484 of 2018

General and also as seen from the counter affidavit filed by the 3rd respondent, the nature of job at the Anganwadi Centre would involve taking care of small children and a person like the petitioner who suffers from 60% (Post Polio Residual Paralysis of Lower Limb) physical disability would certainly not be a fit person to be appointed.

7. It is also seen that the 4th respondent had secured higher marks in the interview. The interference in writ jurisdiction is not a matter of right. When the respondents have applied their mind and taken a conscious decision without violating any of the rules and regulations, then decisions or orders passed by the authorities cannot be called in question and interfered with in writ jurisdiction.

8. This Court has already found that the decision of the 2nd respondent in appointing the 4th respondent while rejecting the case of the petitioner cannot be termed as illegal and improper. Consequently, the writ petition fails.

9. Accordingly, the writ petition stands dismissed. There shall be



W.P.No.1484 of 2018

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no order as to costs. Consequently, connected writ miscellaneous petitions are closed.

14.06.2023

Index:Yes/No

Speaking order/Non-speaking order

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To

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W.P.No.1484 of 2018

P.B.BALAJI,J.

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W.P.No.1484 of 2018

14.06.2023