



W.P.No.18759 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18759 of 2023

K.Priyadhashini

... Petitioner

Vs

1. The State Rep. by The District Collector,
O/o.District Collectorate office,
Coimbatore District, Coimbatore.

2. The Child Development Project Officer,
Coimbatore District, Coimbatore.

3. The Child Development Project Officer,
Valparai, Coimbatore District.

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records pertaining to the proceedings of the third respondent in Na.Ka.En.19/2017 dated 05.02.2017 and to quash the same and consequently direct the respondents to provide the compassionate appointment to the suitable post (C-Group) for the petitioner as per education qualification.



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For petitioner : Mr.K.Kalaiyaran

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned proceedings of the third respondent dated 05.02.2017 and consequently direct the respondents to provide the compassionate appointment to the suitable post (C-Group) for the petitioner as per her education qualification.

2. The mother of the petitioner was originally working as an Anganwadi Worker and she died in harness on 10.09.2013. The petitioner's qualification is master degree and she applied for compassionate appointment. However, on 13.02.2017, the impugned Order has been passed stating that in Anganwadi, there is no post available and the petitioner cannot be posted as desired by her and also communicated that if the petitioner is willing to be appointed as Anganwadi Worker, her application shall be considered by the Collector.



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Based on the said Order, the petitioner submitted her application on 06.09.2019 for appointment as an Anganwadi Worker. The same has been considered by the respondents and she was given compassionate appointment on 30.08.2019 and petitioner is working as an Anganwadi worker. Now, the petitioner taking cue from the G.O.Ms.No.1499 dated 03.08.1989, submitted that a dependent appointed to a lower post like Record Clerk, Office Assistant and Sweeper on compassionate grounds, but possess the qualification required for the post of Junior Assistant at the time of initial appointment to a lower post may be appointed as Junior Assistant / Typist. Hence, the impugned sought to be set aside.

3. Counter has been filed by the respondent contending that the petitioner was appointed as an Anganwadi Worker in the year 2019 on compassionate appointment. After accepting all the conditions for appointment and working nearly for four years, the petitioner claiming Junior Assistant Post based on her qualification, cannot be done at this stage. It is their contention that G.O.Ms.No.198 Social Welfare and Nutritious Meal Programme [NMP2] Department, dated 25.10.2007, a



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direction has been granted to appoint Nutritious Meal Organizer / Anganwadi Worker / Cook / Anganwadi Assistant under the Noon Meal Programme to the female heirs of the deceased employee working in the Integrated Child Development Project. The petitioner having appointed as an Anganwadi Worker, cannot now challenge the impugned Order.

4. I have perused entire materials. The petitioner's mother was working as an Anganwadi Worker and she died in harness and as per the scheme, petitioner was accommodated as an Anganwadi Worker on compassionate ground in the year 2019. Prior to the appointment, she sought appointment as Junior Assistant, which has been negated by an Order dated 13.02.2017 in which it has been clearly communicated to the petitioner that there is no post of Junior Assistant available and if the petitioner wants to be appointed as an Anganwadi Worker, her application would be considered. Thereafter, the petitioner has submitted an application and she has been appointed as an Anganwadi Worker and she is working as an Anganwadi Worker.



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5. Now the petitioner is challenging the impugned Order of the year 2017, after five years relying on the G.O.Ms.No.1499 dated 03.08.1989. It is relevant to note that subsequently, G.O.Ms.No.18 Labour and Employment [Q1] Department dated 23.01.2020 has been issued considering all the previous Government Orders in this regard and it is a comprehensive Government Order. In such view of the matter, when there is no provision for accommodating the petitioner in the 'C' grade, after appointment, challenging the impugned Order after a delay of four years, cannot be permitted at this stage. Hence, the Writ Petition is certainly liable to be dismissed on the ground of delay and laches, besides the petitioner herself has accepted the condition and got appointment.

6. Accordingly, this Writ Petition is dismissed. No costs.

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Index:Yes/No

Neutral Citation : Yes/No

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To,

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N.SATHISH KUMAR, J.

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