



WEB COPY



W.P.No.23909 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.23909 of 2018 and
W.M.P.Nos.27856 & 27857 of 2018

S.Sundari

... Petitioner

Vs.

1.The District Collector,
Coimbatore District.

2.The Project Officer,
Integrated Child Development Scheme,
ICDS Project Office,
Coimbatore.

3.The Child Welfare Project Officer,
Child Welfare Project Office,
Valparai Municipality,
Coimbatore.

4.Tmt. Jayanthi

... 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 pertaining to the proceedings in Na.Ka.1278/A1/2017 dated 28.02.2018, on the file of 2nd respondent in appointing the 4th respondent as Mini Anganwadi worker for Shekkal Mudi UD at Valparai Municipality and quash the same as illegal, arbitrary, perverse, against the guidelines issued by the Government of



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Tamil Nadu and violative of Article 14 and 21 of Constitution of India and direct the 1st respondent to appoint the petitioner to the said post within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Veeramani
For Respondents : M.V.Arun, Addl. Advocate General
Assisted by Mr.R.Kumaravel
Addl. Government Pleader for R1 to R3
R4-unclaimed

ORDER

This writ petition has been filed seeking issuance of writ of certiorarified mandamus to quash the proceedings in Na.Ka.1278/A1/2017 dated 28.02.2018, on the file of 2nd respondent in appointing the 4th respondent as Mini Anganwadi worker for Shekkal Mudi UD at Valparai Municipality and direct the 1st respondent to appoint the petitioner to the said post within a time frame as may be fixed by this Court.

2. The case of the petitioner is that she has studied upto B.Ed. and participated in Social Welfare and Development Programmes and Activities with a keen interest of serving the native Village. She applied for the post of Mini Anganwadi Worker. According to the petitioner she was the only candidate who was called for the interview on 28.08.2017. She also performed



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well in the interview and she was expecting appointment. However, to her utter shock, the fourth respondent who was residing in a different Village, at a distance of 3 kms away from the Anganwadi Centre, was appointed. Moreover, the post was admittedly reserved for open category. The fourth respondent who claimed to be a widow was given preference over the petitioner. In any event, the petitioner's contention is that the records have been tampered to favour the fourth respondent. When she was the only candidate who appeared for the interview, the respondents ought to have appointed the petitioner.

3. Per contra, the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents 1 to 3 would contend that the fourth respondent has also given an application on 17.08.2017 and as she had obtained more marks than the petitioner, she was considered for appointment.

4. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents 1 to 3 and perused the entire materials available on record.



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5. On perusal of the typed set of papers filed by the first respondent, it is seen that in the interview letter, only the name of the petitioner finds place in the printed column, that too, in a typed format. However, the name of the fourth respondent has been handwritten, awarding her 34 marks. Though admittedly the post was an open category post, the fourth respondent had been given five marks for being a widow. In any event, it is clearly evident that excepting the petitioner, there was no other candidate who appeared for the interview on the date fixed for the same. The records appear to be fabricated to favour the 4th respondent and got her appointed as if she applied in the first place and participated in the interview and secured more marks than the petitioner. It is clearly evident from the records that the fourth respondent has been appointed to the post only by back door means. This Court cannot give a seal of approval for such an appointment. The petitioner is the only candidate who appeared for the interview. Therefore, the petitioner has to be necessarily appointed, after terminating or removing the fourth respondent who has been appointed by unlawful means. Hence, this writ petition has to be allowed.

6. In the result, this writ petition is allowed and the proceedings in Na.Ka.1278/A1/2017 dated 28.02.2018, on the file of 2nd respondent is



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quashed and the 1st respondent is directed to appoint the petitioner to the said post within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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To

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P.B.BALAJI, J.

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