



W.P.No.15774 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.15774 of 2018

C.Lakshmi

...Petitioner

Vs

- 1.The Director,
Integrated Child Development
Services Scheme,
Pammal Nallathambi Street,
Tharamani,
Chennai – 113.
- 2.The District Collector,
Office of the District Collector,
Sathuvacheri,
Vellore – 9.
- 3.The District Project Officer,
Integrated Child Development Scheme,
District Project Office,
Office of the District Collector,
Sathuvacheri,
Vellore – 9.

4.Yamuna

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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to issue a Writ of Declaration, declaring that the action of the respondents 1 to 3 in appointing the 4th respondent as Anganwadi Worker at Sekkadikuppam Mini Anganwadi Centre with effect from 04.10.2017 as illegal, arbitrary, unreasonable and unconstitutional and consequently direct the respondents 1 to 3 to appoint me as Anganwadi Worker at Sekkadikuppam Mini Anganwadi Centre with effect from 04.10.2017 with all consequential benefits.

For Petitioner : Ms.H.Nandhini
for Mr.V.Ajoy Khose

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

For R4 : Mr.M.Ramdass

ORDER

The petitioner seeks issuance of Writ of Declaration, to declare that the action of respondents 1 to 3 in appointing the 4th respondent as Anganwadi Worker at Sekkadikuppam Mini Anganwadi Centre as illegal, arbitrary and unconstitutional and consequently, appoint the petitioner as Anganwadi Worker at Sekkadikuppam Mini Anganwadi Centre with



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effect from 04.10.2017 with all consequential benefits.

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2. The case of the petitioner is that she belongs to Most Backward community and she has passed SSLC examination. Though she studied +2, she failed in HSC examinations. On coming to know of the news item published with regard to vacancies to the post of Anganwadi Worker and Anganwadi Helper in all Main and Mini Anganwadi Centres in Vellore District, the petitioner made an application on 30.08.2017. Thereafter, the petitioner was called for an interview on 15.09.2017 where she appeared and was informed that she was selected to be appointed to the post of Anganwadi Worker. Though the petitioner was under the fond hope that she would be issued with necessary appointment order, she was shocked that the 4th respondent was appointed and also joined duty on 04.10.2017. According to the petitioner, the 4th respondent resides at Sengalnatham Village, which is situated 7 kms away from Sekkadikuppam and therefore, the appointment of the 4th respondent was highly improper and against the rules framed by the statutory respondents themselves. Under these circumstances, the petitioner has come forward with the above writ petition.

3. The 2rd respondent has filed a counter affidavit on 20.12.2022



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wherein they have fairly admitted that only the writ petitioner belong to the concerned village, where the Mini Anganwadi Centre was situated and the 4th respondent was residing in another village at a distance of about 3 Kms from Sekkadikuppam village.

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. Insofar as the marks awarded in the interview is concerned, the petitioner has been rightly awarded 20 marks for residence being in the same village and the 4th respondent have been awarded only 10 marks. However, under the heading 'knowledge', the petitioner has been awarded only 6 marks and the 4th respondent has been awarded 18 marks. According to the 3rd respondent, the 4th respondent was favourably considered for overall marks secured in the interview.

6. The learned counsel appearing for the petitioner has invited the



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attention of this Court to G.O.Ms.No.110 dated 14.05.2012 in Residency

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Clause Paragraph 2.8, which reads as follows;-

“ The Government direct that the applicant should be the resident of the same hamlet. If no eligible/suitable candidate from the same hamlet is available, the candidates from the neighboring hamlets of the same Panchayat of the particular center shall be considered. Even then, eligible/suitable candidates are not available, the candidates from the neighboring Panchayats located within 10 kms., shall be considered for the appointment of Anganwadi Worker.”

It is thus clear that when a person is residing in the very same hamlet, he alone should be considered. Only if there are no eligible candidates in the same hamlet, then alone the candidates from the neighboring hamlet that too of the same Panchayat could be considered. The said G.O., is not disputed by the learned Additional Advocate General.

7. Moreover, the counter affidavit filed by the 4th respondent at



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paragraph No.13 reads as follows;-

“ 13. I humbly submit that as stated above that I am residing at Chengalnatham which is well within 3 kms from the Sekkadikuppam Anganwadi Centre in evidence whereof the Village Administrative Officer issued certificate. Further, I am fully qualified with all eligible criteria for appointment to the post of Anganwadi Worker. Hence, I was appointed as Anganwadi Worker in accordance with recruitment rules and government orders issued from time to time by the respondent. I am continuously working for about five years in the transferred place at Chengalnatham. My children are studying in the school and my family is depending upon my income. At this juncture if I am disturbed which would cause great prejudice to me and my family.”

8. From the above, it is seen that the 4th respondent is working at Sekkadikuppam Anganwadi Centre from Chengalnatham and she also admits the fact that Chengalnatham is about 3 kms., from Sekkadikuppam Anganwadi Centre.



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9. In view of the G.O.Ms.No.110 dated 14.05.2012, the appointment of 4th respondent is therefore illegal and improper especially, when admittedly the petitioner was available and suitable for the said post and was residing very much in the same village, which is admitted even by the 3rd respondent in her counter affidavit.

10. For the above reasons, the writ petition is allowed and the appointment of the 4th respondent is declared to be illegal and unconstitutional and consequently, the respondents 1 to 3 shall appoint the petitioner as Anganwadi Worker at Sekkadikuppam Mini Anganwadi Centre. However, it is made clear that the petitioner's appointment would not be retrospective and it would take effect only from the date of appointment to the said post, in furtherance of the order passed by this Court in this writ petition. There shall be no order as to costs.

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Index:Yes/No

Speaking order/Non-speaking order

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P.B.BALAJI,J.

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