



W.P.No.14841 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.14841 of 2014

K.Alamelu

...Petitioner

Vs.

1. The Collector,
Thiruvarur, Thiruvarur District.

2. R.Kavitha

...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 to the impugned order of the first respondent in Se.Mu.Na.Ka.No.586/A1/2012 dated 25.11.2013 and quash the same in so far as the appointment of the second respondent is concerned and direct the first respondent to appoint the petitioner as Anganwadi worker at Sarabojee Rajapuram -V ellai Adambar Centre with effect from the date of the impugned order and grant all consequential benefits to the petitioner.

For petitioner	:	Mr.P.Mohanraj
For R1	:	Ms.C.Sangamithirai Special Government Pleader
For R2	:	Mr.M.Dhamodhara Krishnan



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ORDER

This writ petition is filed seeking for a certiorarified mandamus for quashing of the proceeding in Se.Mu.Na.Ka.No.586/A1/2012 dated 25.11.2013 and to appoint the petitioner as a Anganwadi worker from 25.11.2013 and grant all the consequential benefits.

2. The facts in brief culled out from the affidavit enclosed are as follows:

2.1. It is submitted by the learned counsel for the petitioner that the first respondent has called for applications for appointment to the vacancies in the post of Anganwadi worker in Tiruvarur district.

2.2. Subsequently, the petitioner has filed an application and received an interview letter on 01.08.2012 to appear for the interview scheduled to be held on 11.08.2012. The petitioner a widow attended the interview, submitted all the necessary certificates.

2.3. However, the first respondent has appointed the second respondent on the ground that the second respondent was at the verge of



completing 35 years which is the prescribed upper age limit for the post of Anganwadi worker. The petitioner therefore challenges the order of the second respondent who has not made any appointment on the basis of merit.

3. Counter affidavit has been filed by the first respondent. It is submitted by the learned Special Government Pleader that the second respondent was selected by the Selection Committee as per G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012. The second respondent was at the verge of completing 35 years and she has no further opportunity to apply for the said post since the prescribed upper age limit for the post of Anganwadi worker is 35 years and that the petitioner was aged about 40 years, and that she has another opportunity to apply for future vacancies and hence, the second respondent was appointed as Anganwadi Worker *vide* proceeding in Na.Ka.No.586/A1/2012, dated 25.11.2013.

4. It is further submitted by the learned Special Government Pleader that only after following the due procedure for appointment, the



Selection Committee has issued appointment order to the second respondent and hence the claim made by the petitioner does not survive.

5. Heard both sides and perused the materials available on record.

6. The stand taken by the first respondent is contrary to that of paragraph 5 and 6 of the counter affidavit. In paragraph 6 of the counter affidavit the first respondent has mentioned that the procedure has been strictly followed while appointing the second respondent as a Anganwadi worker whereas in paragraph 5 it is stated that since the second respondent was on the verge of completing 35 years as the prescribed upper age limit for appointment to the post of Anganwadi worker is 35 years, she was appointed for the said post.

7. That means, had the procedure been scrupulously followed there would have been a chance for the petitioner to get appointed. The persons who applied for the said post should have been considered on merits instead of considering the appointment based on the age.



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8. Mr.M.Dhamodhara Krishnan, learned counsel representing the second respondent submitted that the second respondent has been working for the past 10 years and thereby the petitioner's appointment would amount to taking of the benefits which are already been enjoyed by the second respondent.

9. The learned Special Government Pleader submitted that if any future vacancies arises the petitioner's request would be considered by following the procedure. For which the learned counsel for the petitioner reported no objection.

10. In view of the submissions made by both sides and on going through the merits of this case, the first respondent is directed to consider the candidature of the petitioner in the next vacancy by following the due process. In view of the fact that the petitioner's appointment was not considered due to the erroneous act of the first respondent, the petitioner shall be given age relaxation at the time of appointment.



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DR. D.NAGARJUN,J.

Accordingly, this writ petition is disposed of with the above directions.

Connected W.M.P is closed. Costs made easy.

13.12.2023

vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

To:

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Thiruvarur, Thiruvarur District.

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