



W.P.No.18684 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.18684 of 2018

and

W.M.P.No.22034 of 2018

M.Kalaivani

... Petitioner

Vs.

1.The District Project Officer,
Integrated Child Development Scheme,
Dharmapuri, Dharmapuri District.

2.The Child Development Project Officer,
Integrated Child Development Scheme,
Nallampalli Region, Nallampalli,
Dharmapuri District.

3.Sulochana

... Respondents

Prayer: 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.539/A1/2017 dated 09.02.2018 and quash the same and direct the first respondent to appoint the petitioner as Mini Anganwadi Worker in the Anganwadi Centre, Chandranallur, Nallampalli Taluk, Dharmapuri District in the place of the third respondent with



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effect from the date of the impugned order, namely, 09.02.2018 and grant her all consequential benefits.

For Petitioner : Mr.P.Mohanraj

For Respondents :
For R1 and R2 : Mr.V.Arun
Additional Advocate General
Assisted by
Mr.R.Kumaravel
Additional Government Pleader

For R3 : No appearance

ORDER

The petitioner has approached this Court seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of appointment issued to the third respondent and to consequently appoint the petitioner as Mini Anganwadi Worker.

2. The specific case of the writ petitioner is that she resides in the very same village whereas, the third respondent resides seven kilometres away from the Center and therefore, in gross violation of G.O(Ms)No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012, the order of appointment has been issued to the third respondent.



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3. The first and second respondents have filed a counter affidavit on 13.08.2018 and also an additional counter affidavit filed by the second respondent has come on record in December 2022. Even as per the original/first counter affidavit, it is seen that the third respondent resides in Ummyampatti Village, Thoppur Post, Nallampalli Taluk, Dharmapuri District, which is two kilometres away from the center. However, in the petitioner's case, it is stated that the petitioner resides two kilometres away from the center and she resides in Kammampatti Kattuvalavu Village, Moolakadu Post, Nallampalli Taluk, Dharmapuri District, which is the next village Panchayat.

4. Even in the additional counter affidavit, it is seen that the third respondent qualifies for appointment as the village in which she resides, forms part of Thoppur Village Panchayat, which consists of 15 hamlets. However, the petitioner does not reside in any of the said 15 hamlets and she resides in Kammampatti Village Panchayat, which happens to be part of the adjacent Thoppur Village Panchayat.

5. It is also seen from the additional counter affidavit that the third



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respondent has secured more marks in the interview than the writ petitioner.

The selection process cannot be tainted with any illegalities or irregularities in the absence of any concrete evidence or material produced or shown by the petitioner.

6. The appointment order issued to the third respondent has been only after considering all the relevant materials and also considering the residence of the petitioner as well as the third respondent.

7. Hence, the impugned order does not warrant any interference from this Court.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

21.06.2023

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes / No
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To



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P.B.BALAJI, J.

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