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W.A.No.2306 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM :

**THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.A.No.2306 of 2022 &
C.M.P.No.17625 of 2022**

K.Geetha

Vs.

... Appellant

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The District Project Officer,
Integrated Child Development Services Project,
Cuddalore District, Cuddalore.

3.The Block Child Development Project Officer,
Kattumannarkoil,
Cuddalore District.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 18.04.2022, passed by the learned Judge in W.P.No.25268 of 2018.

For Appellant

: Mr.B.Manoharan

For respondents

: Mr.V.Arun

Additional Advocate General
assisted by Mr.C.Selvaraj
Additional Government Pleader



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JUDGMENT

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(Judgment of the Court was delivered by R. MAHADEVAN, J.)

The writ Appeal is directed against the order dated 18.04.2022 passed by the learned Judge, in W.P.No.25268 of 2018.

2.The facts of the case would disclose that the appellant applied for the post of Anganwadi Helper in the Child Development Centre at Movur-2, Kattumannarkoil Block, Cuddalore District on 30.08.2017. Subsequently, she attended interview and on 19.09.2017, the first respondent published the selection list, which indicated that the appellant was the successful candidate. Though she submitted a joining report dated 22.09.2017 and declaration letter, the appellant did not receive an appointment order. Feeling aggrieved, she preferred a writ petition in W.P.No.25268 of 2018 seeking a mandamus, directing the first respondent to issue an order of appointment as per the selection list dated 19.09.2017 and consequently, direct the third respondent to permit the appellant to join duty as Anganwadi Helper in the Child Development Centre at Movur Village Centre-2.

3.By order dated 18.04.2022, based on the stand taken in the counter affidavit filed by the respondents that the Child Development Centre at Movur had been reserved for B.C.(Muslim) category and the appellant did not fall under that



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category and hence, she was ineligible for the said post, the learned Judge dismissed the aforesaid writ petition, with the observation to fill up the said vacancy by a fresh recruitment process following the prescribed procedure. Challenging the said order of the learned Judge, the writ petitioner is before this court with the present Writ Appeal.

4.The learned counsel for the appellant would contend that even though the vacancy was designated for BC (Muslim) category and the appellant did not fall under that category, she was called for interview and awarded marks and that, her joining report and declaration letter have been accepted by the respondent authorities, which would show that she is eligible for the post of Anganwadi Helper. However, she was not issued with appointment order, as she does not belong to BC (Muslim) category. Without considering the same in a proper perspective, the learned Judge erred in dismissing the writ petition, by directing the respondents to fill up the post by fresh recruitment process. It is also submitted that without any fault on the part of the appellant, she waited for the appointment order and during the pendency of the writ petition, she crossed the age limit. Therefore, the learned counsel prayed for an order in favour of the appellant, considering her pitiful position.



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5. Upon notice, the respondents filed a detailed counter affidavit *inter alia* stating that as per the press release dated 13.08.2017, the first respondent called for applications for the posts of Anganwadi workers, Mini Anganwadi workers and Anganwadi Helpers, numbering 1461 posts at Cuddalore District and appointed each category at vacant places as per the guidelines framed by the Government, *vide* G.O.(Ms.)No.110, Social Welfare and Nutritious Meal Programme (SW7) Department, dated 14.05.2012. The counter affidavit further proceeds to state that the Elementary School at Movur-2 at Kattumannarkoil Taluk Centre was reserved for Backward Class Muslim (Non-priority), as per the 200 points communal roster system mentioned in G.O.No.142 P&AR Dept., dated 14.10.2009; totally one application was received from the candidate for the post of Anganwadi Helper i.e., appellant herein, who belongs to backward class and none of the eligible muslim candidate submitted application; and therefore, the selection of the candidate was cancelled and the post is kept vacant, as on date. It is also submitted that when the appellant approached the writ court by filing writ petition, the learned Judge refused to grant the relief and dismissed the writ petition, by the order impugned in this writ appeal.

6. Adding further, the learned Additional Advocate General appearing for the respondents submitted that there are vacancies at Kurungudi-1, Omampuliyur and Irudhayapuram, which are reserved for BC category and are remained



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unfilled due to non-availability of suitable candidates at the time of calling for applications during the year 2017. It is further submitted that the age limit for the post of Anganwadi Helper is fixed as 40 years and the appellant has already crossed the age limit and hence, this court may consider the same and pass appropriate orders in this writ appeal.

7. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

8. The grievance expressed by the appellant is that though she was called for interview, awarded marks and selected for the post of Anganwadi Helper in Movur-2 Anganwadi Centre at Kattumannarkoil Taluk, Cuddalore District, she was not given appointment order. On the other hand, it is the stand of the respondent authorities that Movur-2 Anganwadi Centre was reserved for BC Muslim (Non-priority) Category and no Muslim candidate made application and the appellant is the only candidate applied for the said post, however, she belongs to BC category and hence, her selection was cancelled and the said post is still vacant. The learned Judge, taking note of the fact that the roster of reservation cannot be altered for one candidate which will cause repercussion to the roster system, dismissed the writ petition filed by the appellant seeking appointment to the post in question, by the order impugned herein.



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9. There is no dispute with regard to the eligibility of the appellant to the post of Anganwadi Helper, as her name found place in the selection list published by the first respondent in the year 2017. As she belongs to BC category, she was not given appointment order to the post at Movur-2 Anganwadi Centre, Kattumannarkoil, which is reserved for BC Muslim Candidate. It is a pathetic situation that during the pendency of the writ petition, the appellant crossed her age limit to become eligible for the post in question. However, during the course of hearing, the learned Additional Advocate General fairly submitted that there are vacancies at Kurungudi-1, Omampuliyur and Irudhayapuram, which are reserved for BC category and are remained unfilled due to non-availability of suitable candidates at the time of calling for applications during the year 2017; and that, if any direction is issued to consider the case of the appellant in any one of the said vacancies, on temporary basis, the same will be acted upon by the respondent authorities.

10. In the given factual matrix, taking note of the submissions made by the learned Additional Advocate General appearing for the respondent authorities, this court directs the respondent authorities to consider the case of the appellant for appointment to the post of Anganwadi Helper, in any one of the vacancies referred to above, if there is no other legal impediment for the same. However, it



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is made clear that this order will not be treated as a precedent for other cases in future and the same is passed on the basis of the peculiar facts and circumstances of the case.

11.This writ appeal stands disposed of, in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]
20.04.2023

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Speaking Order / Non-speaking Order

Internet : Yes.

Index : Yes /No

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