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W.P.No.24737 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

W.P.No. 24737 of 2017

and

W.M.P.No.26100 of 2017

A.Kalaiselvi

... Petitioner

Versus

1.The District Collector  
Salem District,  
Salem.

2.The District Project Officer,  
Integrated Child Development Project Officer,  
Office of District Collector,  
Salem District.

3.Child Development Project Officer(CDPO)  
ICDS, Vazhapadi Taluk Office,  
Vazhapadi, Salem District.

4. Mrs.Rajeswari

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to appoint the petitioner, pursuant to the notice published by the 1<sup>st</sup> respondent in the news paper dated 08.08.2017, the petitioner who belongs to the Adidraavidar Community as Anganwadi Employee in the Anganwadi Unit in Seshanchavadi West Colony in Vazhapadi Taluk, Salem District which post is reserved for persons belonging to Adidraavidar Community as per the Communal Rotation policy under the Integrated Child Development Project in Salem District in the place of the 4<sup>th</sup> respondent.



For Petitioner : M/s.C.Uma  
For Respondents 1 to 3 : Mr.V.Arun  
Additional Advocate General  
Assisted by Mr.R.Kumaravel  
Additional Government Pleader  
For Respondent 4 : No appearance

### **ORDER**

This writ petition has been filed seeking issuance of a writ of mandamus, directing the 1<sup>st</sup> respondent to appoint the petitioner in the Anganwadi Unit in Seshanchavadi West Colony in Vazhapadi Taluk, Salem District in the place of the 4<sup>th</sup> respondent.

2. The case of the writ petitioner is that she belongs to Hindu Adidraavidar Community and she is a resident of Kaduveppilaipatti Panchayat. The petitioner further states that she is physically challenged and she had an intercaste marriage to one Raja and she also states that she has passed 10<sup>th</sup> standard and has also done Diploma in Computer Engineering. On 08.08.2017, the 1<sup>st</sup> respondent invited applications for filling up of vacant post of Anganwadi Employees in Anganwadi Units under the Integrated Child Development Project. The petitioner being possessed of all the qualifications, applied for the said post and also attended the interview. It is



the specific case of the petitioner that as the petitioner is belonging to the Adidravidar community-priority category, she ought to have been preferred over the 4<sup>th</sup> respondent, who belongs to the Arunthathiyar community which does not enjoy any priority. Hence, she has approached this Court by way of filing a writ petition challenging the appointment of the 4<sup>th</sup> respondent.

3. Though the prayer sought for in the writ petition is only for issuance of a writ of mandamus, the respondents have filed counter affidavit and an additional counter affidavit. In the additional counter filed by the 3<sup>rd</sup> respondent, it is stated that the petitioner is not a resident of the village in which the centre was located at the relevant point of time. Therefore, her case was not considered favourably. However, the learned Additional Advocate General fairly concedes that the appointment of the 4<sup>th</sup> respondent is improper since she does not belong to Adidravidar community which alone enjoys priority. He also relied upon the order passed by this Court in W.P.No.924/2018 dated 08.11.2022, which drives home the point that the Court should not interfere with the assessments made by the respondents unless the procedure is tainted with *mala fides* or some kind of corruption is established. Even as per the G.O relevant to the appointment of the Anganwadi workers, as rightly pointed out by the learned Additional Advocate General, only when there are no suitable candidates in the very



same village, the persons, who reside in adjoining villages, subject to the same being within 10 kms distance, could be considered.

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4. Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents 1 to 3.

5. Considering the above, this Court is unable to come to the rescue of the writ petitioner. However, at the same time, the appointment of the 4<sup>th</sup> respondent, who does not belong to the priority category namely, Adidravidar community cannot continue to hold the post as her appointment is clearly illegal and improper.

6. In view of the above, the 1<sup>st</sup> and 2<sup>nd</sup> respondents shall take up necessary follow up measures to recruit and fill up the post by following due procedure of law within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the petitioner is eligible, she will be entitled to apply for the post despite the orders passed in the writ petition and without being prejudiced by any of the observations made. Till this exercise is completed, the 4<sup>th</sup> respondent shall be permitted to continue in the said post.



7. With the above directions, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed.

**14.06.2023**

Index : Yes / No

Internet: Yes

Speaking/non speaking order  
nr

To

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Salem.

2.The District Project Officer,  
Integrated Child Development Project Officer,  
Office of District Collector,  
Salem District.

3.Child Development Project Officer(CDPO)  
ICDS, Vazhapadi Taluk Office,  
Vazhapadi, Salem District.



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W.P.No.24737 of 201



**P.B.BALAJI, J.,**

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**W.P.No. 24737 of 2017**  
**and**  
**W.M.P.No.26100 of 2017**

**14.06.2023**