



WEB COPY



W.P.No.25964 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 25964 of 2017 and
W.M.P.No.27545 of 2017

T.Anitha

... Petitioner

Versus

1.The District Collector
Cuddalore District,
Cuddalore.

2.The District Project Officer,
Integrated Children Development scheme,
Cuddalore,
Cuddalore District.

3.The Project Officer,
Child Development Project Office,
Keerapalayam Union,
Keerapalayam, Chidambaram Taluk,
Cuddalore District.

4.R.Kalaiyarasi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents 1 to 3 to conduct a detail enquiry in regarding with appointment made in the post of Organizers in Thandaeswaranallur Anganwadi Centre in Keerapalayam Block, Chidambaram Taluk, Cuddalore District consequently direct the respondents 1 to 3 to appoint the petitioner for the post of Anganvadi Organizer in Thandaeswaranallur Anganwadi Centre, Keerapalayam Block, Chidambaram Taluk, Cuddalore District.



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For Petitioner

:Mrs.R.Hemalatha
for Mr.C.Prakasam

For Respondents 1 to 3

: Mr.V.Arun
Additional Advocate General
Assisted by Mr.R.Kumaravel
Additional Government Pleader

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to conduct a detail enquiry regarding the appointment made in to post of Organizers in Thandaeswaranallur Anganwadi Centre in Keerapalayam Block, Chidambaram Taluk, Cuddalore District and to consequently direct the respondents 1 to 3 to appoint the petitioner for the post of Anganvadi Organizer in Thandaeswaranallur Anganwadi Centre, Keerapalayam Block, Chidambaram Taluk, Cuddalore District.

2. The case of the petitioner is that she had registered her name in the Employment Exchange after passing her 12th standard examination. The 3rd respondent had invited applications for filling up the posts of Organizers in the Anganwadi Centres in Keerapalayam Block and being eligible in all respects, the petitioner had applied for the said post. The 3rd respondent



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called for an interview and the petitioner also appeared before the 3rd respondent on 15.09.2017 and produced all the original certificates. It is the case of the petitioner that the petitioner, despite being fully qualified for the post of Anganwadi Organizer, the respondents issued an appointment order in favour of the 4th respondent. Under such circumstances, the petitioner has approached this Court by way of filing writ petition seeking issuance of a writ of mandamus.

3. The 3rd respondent has filed a counter affidavit and the 1st respondent has filed an additional counter affidavit. The appointment process adopted and followed by the respondents 1 to 3 are justified in the said counter. Moreover, in the affidavit filed by the 1st respondent, by way of an additional counter affidavit, it is categorically stated that the relevant factors were taken into consideration and 4th respondent was found best suited for the post, having obtained higher marks and also in view of the fact that her residence was nearest to the Anganwadi Centre. In so far as the allegations of the influence exercised by the husband of the 4th respondent, the 1st respondent has denied the same and also stated that the husband of the 4th respondent was only working in TASMACH on a temporary basis, that too, contractual in nature and the G.O.No.33, Social Welfare and Nutrition

<https://www.mhc.tri9.gov.in/judis> Department dated 05.02.1993 would not be applicable in such case.



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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. In view of the above facts and circumstances of the case, this Court is of the view that the Court's jurisdiction to interfere in such matters of appointment is restricted. The petitioner has also not been able to show any substantial material to substantiate her allegations made in the affidavit filed in support of the writ petition. It is also seen that the 4th respondent has obtained more marks than the writ petitioner and resides closer to the Noon Meal Centre than the writ petitioner. All these factors have been duly considered before appointing the 4th respondent and the same does not warrant any interference by this Court exercising discretion under Article 226 of the Constitution of India.

6. In the light of the above, this petition lacks merits and hence, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

14.06.2023

Index : Yes / No
Speaking/non speaking order

<https://www.mhc.tn.gov.in/judis>



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P.B.BALAJI, J.,

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