



W.P.No.26906 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.26906 of 2017
and W.M.P.Nos.28679 & 31187 of 2017

M.Sathya

...Petitioner

Vs

1.The District Collector,
Vellore District,
Vellore.

2.The Child Development Project Centre,
Child Development Project Officer,
Kaveripakkam Zone,
Kaveripakkam,
Vellore District.

3.Sudha

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the concerned records relating to the appointment of the 3rd respondent issued by the 1st respondent in Se.Mu.Na.Ka.No.3720/1/2017 (1) dated 28.09.2017 and quash the same and consequently directing the 1st respondent to appoint



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the petitioner as Anganwadi Paniyalar, Thuraiperumbakkam Village,
Kaveripakkam, Vellore District.

*[Prayer amended vide order dated 30.11.2017 made in W.M.P.No.31185
of 2017 in W.P.No.26906 of 2017]*

For Petitioner : Mr.G.Pavendhan

For Respondents

For RR1 & 2 : Mr.V.Arun
Additional Advocate General
assisted by
Mr.R.Kumaravel
Additional Government Pleader

For R3 : No appearance

ORDER

The petitioner originally approached this Court for issuance of a Writ of Mandamus to direct the 1st respondent to cancel the selection and to appoint the 3rd respondent as Anganwadi Paniyalar, Thuraiperumbakkam Village, Kaveripakkam, Vellore District, and to direct the 1st respondent to appoint the petitioner in her place. Subsequently, the prayer in the writ petition has been modified by seeking



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an amendment of prayer and now the prayer sought for in this writ petition is for issuance of a Writ of Certiorarified Mandamus, challenging the appointment of the 3rd respondent and consequently direct the 1st respondent to appoint the petitioner as Anganwari Paniyalar.

2. The case of the petitioner is that she is a widow and she had applied for the post of Anganwadi Paniyalar. She has specifically averred in the affidavit filed in support of this writ petition that on 18.12.2015, her husband died in a road accident. Thereafter, the petitioner had applied for the post of Anganwadi Paniyalar on 29.08.2017, with all necessary enclosures. She was called for an interview on 14.09.2017 and along with the petitioner, six other persons also attended the interview. According to the petitioner, the 3rd respondent who did not attend the interview was given the said post.

3. It is also the specific case of the petitioner that the 3rd respondent resides 10 kms away from the Anganwadi Centre and she has obtained lesser marks than the petitioner. According to the petitioner, the appointment of the 3rd respondent was therefore grossly illegal and liable



4. The 2nd respondent filed a counter affidavit wherein it is stated that the centre being priority as per the communal roster, the candidates belonging to disabled ex-servicemen, destitute widow, intercaste married couple, ex-serviceman, wives, sons and unmarried daughters of serving military person, members of family whose lands have been acquired for Government purposes and discharged employees fall within the priority category as per G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department dated 28.12.1976. The respondents justified that the appointment of 3rd respondent as she had an inter-caste marriage and denied that the petitioner falls within the priority category. The petitioner even though produced the certificates of the Tahsildar to prove that she is a widow, the requirement was not satisfied as to she being a destitute widow. In the absence of necessary certificates from the petitioner, the 3rd respondent was given the appointment, on the ground of her inter-caste marriage.

5. An additional counter affidavit has been filed by the 2nd



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respondent admitting the fact that the petitioner is residing in the same village, where the centre is situated. It is also fairly admitted in the additional counter affidavit that the petitioner obtained 10 marks more than the 3rd respondent. However, since the appointment of the 3rd respondent was not challenged in the writ petition, the writ petition is liable to be dismissed.

6. Heard Mr.G.Pavendhan, learned counsel for the petitioner and Mr.V.Aru, learned Additional Advocate General for the respondents 1 and 2 and perused the materials available on record.

7. Considering the fact that pending writ petition, the petitioner has taken out an application to amend the prayer, originally from a Writ of Mandamus to a Writ of Certiorarified Mandamus, the objection with regard to the maintainability of the writ petition does not survive at this length of time, especially in the light of the amendment to the relief in the writ petition. The respondents have categorically admitted that the petitioner was the only person, who is residing in the same village amongst all the applicants and there is no serious dispute with regard to



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the fact that she is a widow. The respondents ought to have considered the case of the petitioner favourably, especially when the 3rd respondent, who has obtained lesser marks and was residing 10 Kms away from the centre was favourably considered. The petitioner is aged about 32 years and even the age factor cannot be put against the petitioner as the minimum required age is 21 and the maximum required age is 40 as admitted even by the learned Additional Advocate General.

8. The 3rd respondent has not chosen to appear despite service being effected on her in the above writ petition. Today also when the matter is taken up for hearing there is no representation for the 3rd respondent.

9. Considering the above discussions, the writ petition is allowed and the petitioner is entitled to relief of a Writ of Certiorarified Mandamus. Accordingly, Writ of Certiorarified Mandamus is issued, setting aside the appointment of the 3rd respondent with a consequential direction to the 1st respondent to appoint the petitioner in her place. The said exercise shall be completed within a period of six weeks from the



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date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Speaking order/Non-speaking order

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P.B.BALAJI,J.

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