



WEB COPY



W.P.No.27115 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM:

THE HON'BLE MR.JUSTICE **P.B.BALAJI**

W.P.No.27115 of 2018

S.Sarala

... Petitioner

Vs.

1.The Secretary to Government,
Tamil Nadu Social Welfare Department,
Fort St. George, Chennai 600 009.

2.The Director
Integrated Child Development Services (ICDS)
No.1, Pammalnallathambi Street,
Taramani, Chennai 600 113.

3.The District Project Officer,
Integrated Child Development Services (ICDS)
Room No.1, Villupuram District Collectorate Campus,
Villupuram District 605 602.

4.The Child Development Project Officer,
Integrated Child Development Services (ICDS)
Ginjee Taluk, Villupuram District 604 202.

5.Kaviyarasi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Declaration declaring the appointment of 5th
respondent, namely, Kaviyarasi, to the post of Anganwadi Worker, at



W.P.No.27115 of 2018

Anganwadi Centre No.28, Manalapadi Village, Ginjee Taluk in Villupuram District as null and void and consequently direct the respondents 1 to 4 to appoint the petitioner to the post of Anganwadi Worker at Anganwadi Centre No.28, Manalapadi Village, Ginjee Taluk in Villupuram District.

For Petitioner : Mr.G.Mutharasu
For Respondents : Mr.V.Arun, Addl. Advocate General
Assisted by Mr.R.Kumaravel
Addl. Government Pleader for R1 to R4
No appearance for R5

ORDER

This Writ Petition has been filed seeking issuance of Writ of Declaration declaring the appointment of 5th respondent, namely, Kaviyarasi, to the post of Anganwadi Worker, at Anganwadi Centre No.28, Manalapadi Village, Ginjee Taluk in Villupuram District as null and void and consequently direct the respondents 1 to 4 to appoint the petitioner to the post of Anganwadi Worker at Anganwadi Centre No.28, Manalapadi Village, Ginjee Taluk in Villupuram District.

2. The grievance of the petitioner is that the fifth respondent was ineligible even by the service conditions for appointment to the said post. One of the essential conditions stipulated by the respondents 1 to 4 was that any



W.P.No.27115 of 2018

relative of the applicant should not be in Government Service. It is the specific allegation of the petitioner that the fifth respondent's husband is employed in Government and therefore, the application of the fifth respondent ought to have been rejected at the inception itself. However, contrary to the service conditions, the fifth respondent has been appointed which is challenged in this writ petition.

3. The learned Additional Government Pleader has filed a typedset of papers where the application of the fifth respondent is enclosed. In the application form, the fifth respondent has categorically admitted and filled up “yes” in the column for the question whether any family members are in Government Service. Without rejecting the application of the fifth respondent, the respondents have proceeded to consider her application and appointed her also to the said post. It is a clear violation of the rules and also contrary to Articles 14 and 16 of the Constitution of India which clearly infringes the rights of the other candidates who are eligible like the petitioner.

4. The learned counsel for the petitioner submitted that except the petitioner, none of the other participants have challenged the appointment of



W.P.No.27115 of 2018

the fifth respondent and therefore, the petitioner should be appointed for the said post.

5. However, in a case of this nature, when the appointment of the fifth respondent is set aside for violation of service conditions, it is imperative and incumbent on the part of the respondents to conduct a fresh selection process in accordance with law and consequently, appoint a fit candidate.

6. Therefore, this writ petition is disposed of and a Writ of Declaration is issued to declare the appointment of the fifth respondent as null and void. The respondents 1 to 4 are directed to conduct a fresh selection process for filling up the post of Anganwadi Worker at the Anganwadi Centre, Manalapadi Village, Ginjee Taluk in Villupuram District and the petitioner is at liberty to participate in the selection process and if the petitioner is found eligible, she shall be given preference. The respondents 1 to 4 are directed to complete the said exercise within a period of three months from the date of receipt of a copy of this order. No costs.

Index: Yes/No
Speaking / Non Speaking Order
gsk

28.06.2023



W.P.No.27115 of 2018

To
WEB COPY

- 1.The Secretary to Government,
Tamilnadu Social Welfare Department,
Fort St. George, Chennai 600 009.
- 2.The Director
Integrated Child Development Services (ICDS)
No.1, Pammalnallathambi Street,
Taramani, Chennai 600 113.
- 3.The District Project Officer,
Integrated Child Development Services (ICDS)
Room No.1, Villupuram District Collectorate Campus,
Villupuram District 605 602.
- 4.The Child Development Project Officer,
Integrated Child Development Services (ICDS)
Ginjee Taluk, Villupuram District 604 202.



WEB COPY



W.P.No.27115 of 2018

P.B.BALAJI, J.

gsk

W.P.No.27115 of 2018

28.06.2023