



W.P.No.29583 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.29583 of 2018
and
W.M.P.No.34549 of 2018

Vijayalakshmi

... Petitioner

Vs.

1.The District Collector,
O/O.The Collectorate Office,
Villupuram District,
Villupuram.

2.The Child Development Project Officer,
Child Development Project Office,
Ulundurpet Taluk,
Villupuram District.

3.Radhika

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to provide appointment to the petitioner for the post of Noon Meal Organizer and pursuant to representation dated 03.10.2017 in the light of



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G.O.Ms.No.110 issued by the Social Welfare and Nutritious Meal Programme (SW7) Department.

For Petitioner : Mr.J.Ganesh
for Mr.R.Thirumoorthy

For Respondents : Mr.V.Arun
AAG assisted by
Mr.T.M.Rajangam,
Government Advocate
for R1 and R2

Mr.K.Magesh for R3

ORDER

This petitioner has been filed seeking for a direction to the 1st respondent to provide appointment to the petitioner for the post of Noon Meal Organizer and pursuant to representation dated 03.10.2017 in the light of G.O.Ms.No.110 issued by the Social Welfare and Nutritious Meal Programme (SW7) Department.

2.It is the case of the petitioner that she studied 10th Std in Government Higher Secondary School at Eraiyur and completed the same



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successfully in 2002. He has registered and renewed educational qualification till date with Employment Exchange at Villupuram District.

3.The 1st respondent given a public Advertisement in the Newspaper and invited application to the post of Anganwadi workers and Noon Meal Organiser. After that, she approached the office of the 2nd respondent and applied to the post of Noon Meal Organiser. Thereafter, the 2nd respondent issued an interview letter to the petitioner dated 01.09.2017, wherein the petitioner was directed to participate interview to the post of Noon Meal Organiser at the avenue of Child Development Project Officer on 07.09.2017 at 01.30. Thereafter, she attended interview and after verification of the Certificates, the respondents informed the petitioner that the appointment order would be issued to the candidate after the completion of selection process. But, she was not selected for Ethalavadi Anganvadi Centre, whereas the name of the 3rd respondent is mentioned as selected candidates to the said centre.



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4.The learned counsel for the petitioner would submit that the respondents have not followed the procedures in selection process and they have not complied the mandatory requirement prior to issue appointment to the post of Noon Meal Organiser. In fact, the method of selection procedures adopted by the respondents is not disclosed. The 3rd respondent is the resident of other Panchayat whereas the resident of the petitioner is located near the Centre. The interview conducted for the Anganwadi Centre is situated in Neivanai Panchayat and the petitioner is the native of Pilrampattu which is coming under Neivanai Panchayat. Therefore, the respondents should have been considered to the post of Noon Meal Organiser in the light of the Government Order issued by the Department.

5.The learned Additional Advocate General appearing for the respondents 1 and 2 would submit that the Government Order had given detailed guidelines regarding method of recruitment, age limit, proof of residency, communal roation, retirement age, selection committee, etc.



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Accordingly, on 10.08.2017, the District Collector Call for applications to the post of Anganwadi workers, Mini Anganwadi workers and Anganwadi helpers as per vacancy in the District. The petitioner applied for the pot of Anganwadi worker at Eadalawadi Anganwadi Centre. The centre was reserved for communal rotation as per rotation of General-Non Priority categories. The Neivenai Village Panahcayat having two hamlets, namely 1.Eadalavadi and 2.Pilrampattu. Totally 9 applications have been received for this Centre. Two applications have been received from the said Eadalavadi Village and five applications were received from the nearby Panchayat. In the interview, the marks secured by the petitioner and the 3rd respondent are given marks as per Interview Committee for the criteria, viz., age, education qualification, community rotation, marital status, distance from the centre, family income per annum. The petitioner secured 12 marks and the 3rd respondent secured 20 marks.

6. Therefore, the 3rd respondent got highest mark other than the petitioner. The interview panel assessed the overall performance of the



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candidates and since the centre is being General - Non Priority Center, the 3rd respondent was given appointment.

7.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents and perused the papers.

8.On perusal of the records it is seen that the interview panel assessed the overall performance of the candidates. In the interview, the petitioner secured 12 marks and the 3rd respondent secured 20 marks. Since the centre is being General - Non Priority Center, the 3rd respondent was given appointment. Further, the petitioner is residing within 10 KMs of Anganwadi Centre is accepted. This Court is not inclined to accept the contentions that the 3rd respondent has got high marks and he was provided employment. According to the respondents, the 3rd respondent is working in Eadalavadi Centre from 20.12.2017. Now, there are vacancies near the Anganvadi Centre at Eadalavadi. 2.8.Residency of the said Government Order states as follows:



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"2.8.Residency:

The Government direct that the applicant should be the resident of the same hamlet. If no eligible/suitable candidate from the same hamlet is available, the candidates from the neighbouring hamlets of the same Panahcyat of the particular Centre shall be considered. Even then, eligible /suitable candidates are not available, the candidates from the neighbouring Panchayats located within 10 KMs shall be considered for the appointment of Anganwadi Worker."

9.The resident of the petitioner is situated near the Anganvadi Centre.

The petitioner is the resident of same Panchayat and the 3rd respondent belongs to other panchayat. The age limit to the said post is 35 years. The petitioner was aged about 33 years at the time of attending the interview. The petitioner is now overaged persons. Considering the fact that the case is pending for many years, she can be considered to the said post by



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relaxing the age limit. As the selection Committee have committed mistake, they have to rectify the same.

Accordingly, this Writ Petition is disposed of. The respondents are directed to provide appointment to the petitioner for the post of Noon Meal Organizer in the light of G.O.Ms.No.110 issued by the Social Welfare and Nutritious Meal Programme (SW7) Department, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

18.12.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
mps

To

1. The District Collector,
O/O. The Collectorate Office,
Villupuram District,
Villupuram.

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2.The Child Development Project Officer,
Child Development Project Office,
Ulundurpet Taluk,
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V.BHAVANI SUBBAROYAN, J,

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