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W.P.No.30722 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.30722 of 2018 and
W.M.P.No.35850 of 2018

R.Nathiya

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District.

2.The Project Officer,
Child Integrated Development Programme,
Dharmapuri.

3.The Child Development Project Officer,
Nallampalli Taluk,
Nallampalli, Dharmapuri District.

4.M.Sathya

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 09.02.2018 passed by the second respondent in Se.Mu.Na.Ka.No.539/A1/2017 and to quash the same and consequently direct the respondents 1 to 3 to appoint the petitioner as Anganwadi worker at Koorampatti Anganwadi Centre, Nallampalli Taluk, Dharmapuri District forthwith.



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For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.V.Arun, Addl. Advocate General
Assisted by Mr.R.Kumaravel
Addl. Government Pleader for R1 to R3
Mr.P.Valliappan for
M/s.P.V.Law Associates for R4

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 09.02.2018 passed by the second respondent in Se.Mu.Na.Ka.No.539/A1/2017 and to quash the same and consequently direct the respondents 1 to 3 to appoint the petitioner as Anganwadi worker at Koorampatti Anganwadi Centre, Nallampalli Taluk, Dharmapuri District forthwith.

2. The grievance of the petitioner is that she being an eligible candidate for the post of Anganwadi Worker, she applied for the same, pursuant to the notification issued for recruitment. The petitioner was called for an interview and she awaiting appointment. Then, to her utter shock, the fourth respondent was appointed and the petitioner being eligible, was not considered. The petitioner made an application under Right To Information Act to obtain the order of appointment of the fourth respondent and pursuant to the same, she



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has filed the present writ petition.

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3. Earlier, on 20.12.2022, this Court found that there has been correction in the marks awarded to the fourth respondent and directed the records to be produced. The official respondents have filed a typed set of papers and it is seen from the comparative mark sheet produced by the third respondent, in the column pertaining to marks issued for proximity of residence, the fourth respondent has initially scored three marks, but, it has been circled and five marks have been granted. Even in the last column No.11, the total has been filled up by applying whitener. Thus, it is clear that the records have been fabricated and only on such basis, the fourth respondent has been appointed to the post of Anganwadi Worker. Thus, it is a clear case where the entire selection process should be set aside.

4. Therefore, the impugned order dated 09.02.2018 passed by the second respondent in Se.Mu.Na.Ka.No.539/A1/2017 is set aside. The respondents are directed to conduct a fresh selection process and it shall be open to the petitioner as well as the fourth respondent to apply for the said post, if they are otherwise eligible and their appointment shall be considered



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without reference to the observations made in this writ petition. The respondents are directed to complete the said exercise within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

28.06.2023



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To

WEB CLIP

1. The District Collector,
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2. The Project Officer,
Child Integrated Development Programme,
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P.B.BALAJI, J.

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