



W.A.(MD)No.1209 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1209 of 2012

1.The District Collector,
Pudukottai District, Pudukottai.

2.The Chief Development Project Officer,
Avudaiyarkovil, Pudukottai District.

...Appellants

/Vs./

1.K.Muthukannu
2.Vijayabrindha

...Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to
set aside the order dated 29.08.2012 made in W.P.(MD)No.3528 of 2011.

For Appellants	: Mr.K.S.Selvaganesan Additional Government Pleader
For R1	:No Appearance
For R2	: Mr.Raja Karthikeyan



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JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH , J.)**

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The appellants in this Writ Appeal are the District Collector and the Child Development Project Officer, Pudukottai District. They challenge an order passed by learned Single Judge granting the prayer sought by the Writ Petitioner/R1, who had challenged an order passed on 25.02.2011 appointing R2 in the Writ Appeal as an Anganwadi Helper.

2.The Writ Petition came to be allowed on 29.08.2012 premised on order passed in W.P(MD)No.10548 of 2008 dated 15.09.2009 that had taken note of G.O.Ms.Nos.203 and 186 dated 10.08.2005 and 04.10.2007 respectively. Those Government Orders granted the benefit of preferential selection to persons residing in the vicinity of the Anganwadi concerned.

3.Taking note of the benefits extended under that Government Orders as well as the fact that R3 in the Writ Petition was a destitute widow with three minor children and the petitioner's husband was working abroad, the Writ Court was inclined to set aside the order passed in favour of R3 in the Writ Petition, granting the relief sought for by the Writ Petitioner.



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4.Unfortunately, it has not been brought to the notice of the Writ Court that appointment to the various posts of Anganwadis were governed by the 200 points communal roster. The Anganwadi in question is situated at Paramanthur village and had not been allotted a preferential reservation for the category of destitute widow. That centre had been allotted reservation for the category of Backward Community, which qualification the second respondent in the Writ Appeal satisfied, while the Writ Petitioner, admittedly does not.

5.Though counter has been filed by the Child Development Project Officer in the Writ Petition, this aspect of the matter, that is, the applicability of the communal roster, does not figure therein. It has been brought out for the first time in the grounds of Writ Appeal. Taking into account this point as being a point of law as the undisputed position is that the communal roster does apply in the matter of appointments to Anganwadi, this Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [R.V.J.]
11.07.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes
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AND
R.VIJAYAKUMAR, J.

cmr

Order made in
W.A.(MD)No.1209 of 2012

Dated:
11.07.2023