



W.P.(MD).No.24316 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.24316 of 2018
and
W.M.P.(MD).No.22006 of 2018**

Thanga Vijaya

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District.
- 2.The District Project Officer,
Integrated Child Development Services,
Ramanathapuram.
- 3.The Child Development Project Officer,
Mudukulathur Taluk,
Ramanathapuram District.
- 4.Anbukarasi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Se.Mu.Na.Ka.No.1896/O.Ku.Va.Pa/A1/2017 dated 20.08.2018 and quash the



W.P.(MD).No.24316 of 2018

same and consequently direct the second respondent to reinstate the petitioner as Mini Anganwadi Worker in Appanenthal Mini Anganwadi Centre, Mudukulathur Taluk, Ramanathapuram District.

For Petitioner : Mr.C.Vakeeswaran

For R-1 to R-3 : Mr.P.Thambi Durai,
Government Advocate.

For R-4 : Mr.S.Louis

ORDER

This Writ Petition is filed challenging the impugned order dated 20.08.2018 with a consequential relief to directing the respondents to reinstate the petitioner as Mini Anganwadi Worker in Appanenthal Mini Anganwadi Centre, Mudukulathur Taluk, Ramanathapuram District.

2. The petitioner is a resident of Keelakulam Village. The petitioner participated in the recruitment process of Mini Anganwadi Worker at Appanenthal Mini Anganwadi Centre and attended the interview. The petitioner was selected and was issued appointment order vide proceedings dated 13.08.2018 and the petitioner was directed to join on or before



W.P.(MD).No.24316 of 2018

31.08.2018 and the petitioner joined the service on 14.08.2018 by producing all the original certificates and also signed the attendance Register. On 20.08.2018, the third respondent informed the petitioner not to carry on the work further. The petitioner had sought an explanation whereby it was informed that the petitioner is not in the consolidated list in Mudukulathur Taluk. The respondents have issued the termination order dated 20.08.2018 and served the same on 27.09.2018. The contention of the petitioner is that even though the petitioner is having prescribed qualification, the respondents have issued the termination order. Moreover, before issuing the termination order, the respondents did not issue any notice calling for explanation, thereby, it is violative of principles of natural justice.

3. The official respondents have filed a counter stating that on physical verification, it was found that the petitioner is not residing in the address given in the application and there is no building in the said address. The fourth respondent who is the resident of the same Village was appointed to the post, since she is having equal qualification that of the petitioner. Therefore, the appointment order issued to the petitioner was cancelled. In the vacancy the fourth respondent was appointed.



W.P.(MD).No.24316 of 2018

WEB COPY

4. The learned counsel appearing for the fourth respondent submitted that the fourth respondent was issued with the appointment order, since she is the widow, her candidature was considered and the appointment order was issued. The writ petitioner has not challenged the appointment order issued to the fourth respondent and she was working for the past 5 years. Therefore, the Writ Petition is not maintainable. Hence, the respondents prayed to dismiss this Writ Petition.

5. Heard Mr.C.Vakeeswaran, learned counsel for the petitioner and Mr.P.Thambi Durai, learned Government Advocate for the respondents 1 to 3 and Mr.S.Louis, learned counsel for the fourth respondent and perused the records.

6. The official respondents had collected the details of the petitioner, the fourth respondent and other eligible candidates. The petitioner has specifically mentioned her qualification as M.Com., and in the application form, the petitioner has mentioned her “extra-curricular” activities as the knowledge in the Computer. In spite of such higher qualification, the respondents have



W.P.(MD).No.24316 of 2018

allowed the petitioner to participate in the recruitment process. The qualification prescribed for Mini Anganwadi Worker is 10th pass. For higher qualification, the respondents ought to have rejected the petitioner's candidature. But without doing so, the petitioner was allowed to participate in the recruitment process itself is erroneous.

7. The contention of the petitioner is that she was granted an appointment order on 13.03.2018 and she joined the service on 14.08.2018, but subsequently cancelled on 20.08.2018. It is not known why the respondents have granted an appointment order and subsequently cancelled. The attitude act of the official respondents ought to be deprecated. After issuing appointment order, the respondents ought not to have cancelled it without notice. Therefore, the petitioner is entitled to some relief. But the fourth respondent was appointed and she is served in the said post for the past 5 years.

8. Therefore, in order to balance the claim of the petitioner, the second respondent is directed to pay Rs.25,000/- (Rupees Twenty Five Thousand only) to the petitioner as compensation for issuing an appointment order and cancelling it within a period of one week. However, the petitioner is not



W.P.(MD).No.24316 of 2018

entitled to appointment order, since the petitioner is over qualified and comparing with the fourth respondent, the fourth respondent is the widow having children and on equity, the fourth respondent is on a more advantageous position.

9. With the above direction and observations, this Writ Petition is closed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The District Collector,
Ramanathapuram District.

2.The District Project Officer,
Integrated Child Development Services,
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3.The Child Development Project Officer,
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W.P.(MD).No.24316 of 2018

S.SRIMATHY, J.

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W.P.(MD).No.24316 of 2018

13.04.2023