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W.P. No. 3131 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 3131 of 2018

and

W.M.P. No. 3844 of 2018

S. Sathya

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Project Officer,
District Integrated Child Nutrition
Development Scheme, Chengam,
Thiruvannamalai District.

3.Ammu

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned selection list insofar relates to S.No.215, Block No.45 issued by the first respondent and quash the same and consequently direct the respondents 1 and 2 to appoint the petitioner for the post of Anganvadi Employee in the scheme of Integrated Child Nutrition and Welfare Department in the Centre of Ariyakunjur, Chengam Taluk, Thiruvannamalai District.



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For Petitioner : Ms. R. Hemalatha
for Mr. C. Prakasam

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For Respondents : Mr. M. Alagu Gowtham,
Government Advocate for RR1 & 2
No Appearance, for R3

ORDER

This Writ Petition has been filed seeking to quash the selection list insofar relates to S.No. 215, Block No.45 issued by the first respondent for the post of Anganwadi worker and for a consequential direction to the respondents 1 and 2 to appoint the petitioner as Anganwadi worker in the scheme of Integrated Child Nutrition and Welfare Department in the centre of Ariyakunjur, Chengam Taluk, Thiruvannamalai District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 and 2. In spite of service of notice, there is no representation for the third respondent.

3. The case of the petitioner is that, the petitioner possessed 10th Standard educational qualification and hailing from Backward Class Community and resident of Navasakthi Nagar, Arattavadi Village & Post, Chengam Taluk, Thiruvannamalai District. The first respondent has called for applications for filling up the post of Anganwadi worker in the centre of Ariyakunjur, Chengam Taluk, Thiruvannamalai



District. The vacancy was reserved for the BC candidates as per communal rotation.

The petitioner submitted her application. The second respondent issued call letter to the petitioner to attend interview on 12.09.2017. The petitioner appeared before the second respondent for interview.

4. The grievance of the petitioner is that, though the petitioner is fully eligible and qualified to be considered to that vacancy, the first respondent erroneously appointed the third respondent who is the resident of Konankuttai Village situated 10 kms away from Ariyakunjur Centre. Aggrieved by the appointment of the third respondent, the petitioner constrained to file this writ petition.

5. Learned counsel for the petitioner submits that the petitioner village is situated 3.8 kms away from Ariyakunjur Centre and the third respondent village, Konankuttai is 10 kms away from the said Ariyakunjur Centre. Learned counsel further submits that the third respondent has submitted forged residential certificate by inserting Ariyakunjur Village in her residential address and the third respondent without examining the same, considered the said certificate and selected the third respondent, which is illegal and contrary to the guidelines issued by the State Government in G.O.(Ms) No.110 dated 14.05.2012 and sought to quash the selection of the third respondent.



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6. On behalf of the respondents 1 and 2, a counter affidavit has been filed. In the said counter affidavit, it is averred that the appointment of the third respondent was made in accordance with law as per the guidelines prescribed in G.O.(Ms) No.110 of Social Welfare Department. Totally, six candidates attended the interview held on 12.09.2017 and all the candidates have produced all the requisite certificates to prove their family status, income, qualification, nativity certificate, community certificate etc. However, based on the marks obtained in the interview, the third respondent was selected for the post of Anganwadi worker and she joined duty. It is also averred in the counter affidavit that the third respondent is living nearer to the centre when compared to other candidates. The petitioner herein living in a Forest area where there is no access for the public to reach the Anganwadi Centre. If the petitioner has to reach the centre, she had to travel all around 20 kms to reach the centre by 3 buses. Necessary certificate is also obtained from the District Forest Officer, Forest Department, Tiruvannamalai Division to prove the same.

7. Learned Government Advocate appearing for the respondents 1 and 2 submits that the respondents 1 and 2 has to strictly follow the guidelines issued by the State Government in G.O.(Ms) No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012. For the post of Anganwadi worker



in Aiyakunjur Centre, Chengam Taluk, Tiruvannamalai District, the first respondent considering the requisite certificates produced by all the candidates who attended the interview on 12.09.2017 and considering the marks obtained in the interview, the third respondent was selected, as she is the more suitable candidate than the other five candidates. Learned Government Advocate also fairly submitted that, as per the records, there is no proof to substantiate the contention of the respondents as averred in the counter affidavit that the petitioner has to travel around 20 kms to reach the centre. There is dispute with regard to the distance of the residence of the petitioner and third respondent, whose residence is very nearer to the Anganwadi Centre.

8. But without going into that aspect and on consideration of the submissions made by the learned Government Advocate, for proper adjudication of this case, this Court intends to look into the original record pertaining to the selection process and accordingly, the learned Government Advocate produced the original record.

9. On careful perusal of the record, it appears that, six candidates were called for interview. As per the guidelines issued in G.O.(Ms) No. 110, dated 14.05.2012, the appointing authority has to take into consideration the eligibilities of the candidates as stated herein under: -



(i). The candidates who have completed 25 years and who are not more than 35 years will be recruited. Some relaxation is provided for particular categories.

(ii). Considering the services to be rendered at Anganwadi Centres, only female candidates will be considered for appointment.

(iii). Education qualification is, passing 10th Std and relaxation will be granted to 8th Std for the candidates in the Hill areas.

(iv). With regard to the residency, the candidates should be the resident of the same hamlet. If no eligible or suitable candidates from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayats of the particular centre shall be considered. Even then, the eligible or suitable candidates are not available, the candidates from the neighbouring panchayats located within 10 kms shall be considered for the appointment of Anganwadi worker.

10. In the present case, as per the record, admittedly, one of the applicant namely, Gunasundari, is the resident of that particular hamlet, where the Anganwadi centre is situated and she belongs to BC category and she possessed HSC qualification.



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11. As seen from the above, the said Gunasundari is the eligible and suitable candidate to be considered for the appointment of Anganwadi worker in that particular centre. But the first respondent considered the third respondent as resident of 1 km from the centre, though she is not the resident of that hamlet or neighbouring hamlet and she is resident of 10 kms radius to the Anganwadi Centre, selected third respondent for reasons better known to the first respondent. The appointing authority, while proceeding with the selection process, first he has to consider the eligibilities of the candidates and if eligible candidate is available in the same hamlet, he is not supposed to consider the candidature of the other candidates who have made applications from other hamlets or from the neighbouring panchayats located within 10 kms.

12. In the present case, on careful examination of the record, it is clearly established that the first respondent without considering the certificates produced by the candidates who made their applications and who have attended the interview in proper manner, the first respondent prepared the records to suit to enable the appointment of the third respondent. Whether the petitioner or the third respondent who are most eligible and suitable candidate is a different issue. But the more eligible and suitable candidate hailing from that hamlet, where the Anganwadi centre is



located is deprived by the selection process conducted by the first respondent which is unsustainable, untenable, illegal and contrary to the guidelines issued by the State Government in G.O.(Ms).No. 110 dated 14.05.2012.

13. On comprehensive examination of the entire issue and to do ultimate justice to the real victim by the selection made by the first respondent, this Court intends to quash the entire selection process in exercise of its power under Article 226 of the Constitution of India.

14. For the above reasons, this Writ Petition is disposed of with the following directions: -

(i) The appointment of the third respondent as Anganwadi worker in the Anganwadi Centre situated at Ariyakunjur, Chengam Taluk, Tiruvannamalai District is hereby quashed.

(ii) The first respondent shall conduct fresh selection procedure as per notification issued strictly by following the guidelines issued in G.O.(Ms)No.110 and select the eligible and suitable candidate for appointment as Anganwadi worker.

(iii) The first respondent shall relax the age limit, if required for any eligible applicant for considering their case.



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15. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

22.08.2024

Index :Yes/No

Neutral Citation :Yes/No

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