



WEB COPY



W.P.No.25631 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.25631 of 2012

and

M.P.No.2 of 2012

S.Madhavi

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Social Welfare Nutritious Meal Programme,
Fort St. George, Chennai – 600 009.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The District Programme Officer,
Integrated Child Development Service Scheme,
Collectorate, Krishnagiri District.

4.The Child Development Project Officer,
Thali, Krishnagiri District 635 118.

5.Thirumathi Shoba

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2nd respondent dated 12.09.2012 in Na.Ka.No.618/A1/2012 and quash the same and



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consequently direct the respondents to appoint the petitioner as Anganwadi Worker at Child Welfare Centre (Anganwadi) Mallachandiram Mallachandiram Panchayat, Denkanikotta Taluk, Krishnagiri District.

For Petitioner : Mr.K.Selvaraj
For R1 to R4 : Mr.M.Rajendiran
Additional Government Pleader
For R5 : Mr.M.Sriram

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order of the 2nd respondent vide Na.Ka.No.618/A1/2012 dated 12.09.2012 and consequently direct the respondents to appoint the petitioner as Anganwadi Worker at Child Welfare Centre (Anganwadi) Mallachandiram Mallachandiram Panchayat, Denkanikotta Taluk, Krishnagiri District.

2. The case of the petitioner is that she passed SSLC in April 1997. The petitioner belongs to the Kurumba community classified as Most Backward Community. No other person in the family of the petitioner is employed in the Government service or in any Quasi Government service. The petitioner has also registered her educational qualifications in the District



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Employment Office, Krishnagiri. The respondents called for applications for filling up the post of Anganwadi worker in the Anganwadi Centre situated within Thali Circle. There is a Child Welfare Centre (Anganwadi Centre) at Mallachandiram Village itself. Since the petitioner is fully qualified and eligible and she belongs to the same village, namely Mallachandiram Village, the petitioner submitted an application dated 01.06.2012 to the 4th respondent along with an educational certificate, community certificate, residence certificate, income certificate and certificate from the Tahsildar certifying that no other person in the petitioner's family is employed in the Government service. After receiving the application of the petitioner, the 4th respondent by proceedings dated 01.08.2012 directed the petitioner to appear for an interview in the office of the Block Development Officer on 22.08.2012.

3. Learned counsel for the petitioner submitted that she attended the interview on 22.08.2012 before the Selection Community headed by the 3rd respondent namely, the District Programme Officer, Integrated Child Development Service Scheme, Collectorate, Krishnagiri District. The petitioner produced all the original certificates as stated supra. After verification of the original certificates, the 3rd respondent orally informed the petitioner that since the petitioner is only the applicant from the



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Mallachandiram Village and the post is for the Child Welfare Centre of Mallachandiram, the petitioner is qualified and eligible to be appointed as an Anganwadi worker at the Child Welfare Centre, Mallachandiram as per the provision of G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012.

4. Learned counsel further submitted that the provisions of G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012, clearly provide that applicants should be residents of the same hamlet for the post of Anganwadi worker and if no eligible or suitable candidates from the same hamlet are available, the candidate from a neighbouring hamlet of the same panchayat of the particular centre shall be considered.

5. Learned counsel further submitted that the 5th respondent belongs to Maraygoundahalli Village, Arasakuppam Panchayat and the petitioner is a resident of Mallachandiram Village. The 2nd respondent / The District Collector, Krishnagiri District, Krishnagiri, on the recommendation of the 3rd respondent / The District Programme Officer, Integrated Child Development Service Scheme, Collectorate, Krishnagiri District, has appointed the 5th



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respondent namely, Thirumathi Shoba, as an Anganwadi worker for the Child Welfare Centre at Mallachandiram Village by order dated 12.09.2012, which is in violation of the above said G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012. Aggrieved by the order passed by the 2nd respondent dated 12.09.2012, the petitioner has come forward with the present writ petition.

6. A counter affidavit was filed on behalf of the respondents 1 to 4 dated 27.08.2013.

7. In the counter affidavit, nowhere it is stated that why the case of the petitioner was not considered and it is stated that only the eligible candidate is the 5th respondent since she has fulfilled all the conditions as stipulated in G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012. The appointment of the 5th respondent for the post of Anganwadi worker by the 2nd respondent has no violation of Government Order or rules which was enforced on the date of the appointment.

8. Learned Additional Government Pleader appearing for



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respondents 1 to 4 submitted a written instruction dated 18.03.2024.

According to which, for the post of Anganwadi worker at Child Welfare Centre, Mallachandiram, is vacant as on 01.12.2021 and the same may also be taken into account by the 2nd respondent / The District Collector, Krishnagiri District, while considering the application of the petitioner.

9. Heard both sides and perused the materials available on record.

10. In the instant case, this Court is not satisfied with the counter affidavit filed by the respondents and there is no clarity in the counter affidavit, it fails to provide vital information such as like why the petitioner was not considered for appointment. In order to give an opportunity to the petitioner since she has already attended the interview which was conducted by the 3rd respondent / The District Programme Officer, Integrated Child Development Service Scheme, Collectorate, Krishnagiri District, on 22.08.2012 and the 3rd respondent has called the petitioner for an interview only after she fulfilled all the eligibility conditions as stipulated in G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012.



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11. Considering the facts and circumstances of the case, the petitioner is directed to give a representation to the 2nd respondent / The District Collector, Krishnagiri District, Krishnagiri, within a period of two weeks and the same may be considered by the 2nd respondent / The District Collector, Krishnagiri District, Krishnagiri, taking into consideration the above factual aspects and also considering the age of the petitioner since at the time of filing the writ petition, she was aged about 30 years and as on date, the age of the petitioner is 42 years. As per G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012, the age limit is 35 years. The 2nd respondent / The District Collector, Krishnagiri District, Krishnagiri, shall consider the same on merits in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of the order.

J.SATHYA NARAYANA PRASAD, J.

12. In the result, the writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.



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cda

Index : Yes/No

Speaking/Non Speaking order

To

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Fort St. George, Chennai – 600 009.

2.The District Collector,
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