



W.P.No.3475 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.3475 of 2011

M.Sumathi

...Petitioner

Vs

1. The District Collector,
Erode District,
Erode.

2.Tamilselvi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by 1st respondent in proceeding No.SE.MU.Na.Ka.No.3616/A1/2009 dated 28.01.2011 and quash the same in respect of the 2nd respondent is concerned and consequently direct the 1st respondent to appoint the petitioner in the post of Paniyalar in Anganvadi Nutritious Meal Centre, Chinna Parusapalayam, Bhavanisagar Panchayat Union, Sathyamangalam Taluk, Erode District with all attendant benefits.

For Petitioner : Mr.R.T.Doraisamy
For Respondents :Mr.K.Tippusulthan
Government Advocate



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order passed by the first respondent in proceeding No.SE.MU.Na.Ka.No.3616/A1/2009, dated 28.01.2011 and quash the same in respect of the second respondent is concerned and consequently, direct the first respondent to appoint the petitioner in the post of Paniyalar in Anganvadi Nutritious Meal Centre, Chinna Parusapalayam, Bhavanisagar Panchayat Union, Sathyamangalam Taluk, Erode District with all attendant benefits.

2.It is the submission of the learned counsel for the petitioner that the petitioner is a physically challenged person and belongs to SC community. She is fully qualified for the post of Paniyalar Nutritious Meal Centre in Bhavanisagar Panchayat Union Anganvadi Centre for the reason that she studied +2, belongs to SC community and resides close to the Anganvadi centre at Chinna Parusapalayam. However, instead of selecting the petitioner, second respondent was preferred without any justification. Therefore this writ petition.



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3. In response, the learned counsel for the first respondent submitted that the first and foremost criteria for the selection is the communal roster among the communal category and the community allotted to the Centre. Anganvadi worker post in Chinna Parusapalayam village is earmarked for MBC. Physically challenged is not a criteria and it will not be considered for appointment for the reason that the work demands Survey taking, house visits, weight taking of the children, AN/PN mothers and Adolescent girls. Therefore, physically challenged persons are not given any preference in the appointment of Anganvadi workers and Mini Anganvadi workers. The second respondent possessed necessary qualification and therefore, the appointment committee selected her. There is nothing illegal in the selection of the second respondent. That apart, it is submitted by the learned counsel for the first respondent on written instructions from the Tmt. M.Usharani, that the petitioner is not residing in the address given in the petition, but, she is residing in Coimbatore at the time of submitting her application.

4. Considered the rival submission and perused the records.



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5. Though the first respondent has not produced the communal roaster regarding earmarking this post for MBC, from the register containing the persons applied for the post, it could be seen that the second respondent belongs to MBC. Though the petitioner claims that she is residing at No.89, Adhidraavidar Colony, Periya Parusapalayam, Panayampalli Village, Sathyamangalam Taluk, Erode, in the typed set of papers, produced by the petitioner containing medical certificate and disability certificate issued to the petitioner, shows that the petitioner had obtained the medical certificate from the Doctor at Coimbatore. The disability certificate was also issued by the Disable Rehabilitation Officer, Coimbatore. It is true that the petitioner produced the residence certificate issued by the Tahsildar, but it is not supported by any document like, family card and Aadhar card to confirm the submission of the petitioner. Petitioner's own documents, i.e., medical and disability certificate shows that she is a resident of Coimbatore district. Especially, Pachapalayam village and that is confirmed by the written instructions of M.Usharani. Therefore, the certificate issued by the Tahsildar cannot be acted upon. It is established now that the petitioner is residing in Coimbatore district, which is far way from the place of Anganvadi centre.



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Therefore, considering second respondent instead of the petitioner for the post of Anganvadi worker cannot be found fault with. This Writ petition has no merits and it is liable to be dismissed.

6. Accordingly, this Writ petition stands dismissed. Parties are directed to bear their own costs. Consequently, connected miscellaneous petition, if any, is also closed.

sli

09.02.2024

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

To:

The District Collector,
Erode District,
Erode.



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G.CHANDRASEKHARAN, J.

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