



W.P.No.27747 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.27747 of 2012

and

M.P.Nos.1 & 2 of 2012

Mrs.Jayachitra

...Petitioner

-Vs-

1.The District Collector,
Vellore District,
Vellore.

2.The Secretary to Government,
Department of Social Welfare and
Noon Meal Programme, Secretariat,
Chennai – 9.

3.The Project Officer,
Integrated Child Development Programme (ICDS),
Jolarpet Block, Vellore District.

4.Mrs.Ananthi

5.The District Collector,
Tirupathur District.

...Respondents

*** R5 suo moto impleaded as per order dated
20.03.2024 by JSNPJ in W.P.No.27747 of 2012*



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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 impugned selection list for the post of Anganwadi Assistant in Konnerrvattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District on the file of the 3rd respondent dated NIL and to quash the same and consequently direct the 1st respondent to appoint the petitioner as Anganwadi Assistant in Konnerrvattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District.

For Petitioner : Mr.S.Arokia Maniraj

For R1, R2 & R5 : Mr.M.Rajendiran
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Certiorarified Mandamus to quash the impugned selection list for the post of Anganwadi Assistant in Konnerrvattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District on the file of the 3rd respondent dated NIL and consequently direct the 1st respondent to appoint the petitioner as Anganwadi Assistant in Konnerrvattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District.



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2. The case of the petitioner is that she passed her higher secondary examination in the year 1993. Thereafter, she could not continue her higher studies due to poverty in her family. Thereafter, she got married and gave birth to two children, namely, Sathiyamurthy (son), who is studying 12th standard and Vaideki (daughter), who is 9 years old and a disabled person. Her husband, namely, Palaniappa died on 09.07.2006, leaving behind her two children. After her husband's death, she starved to eke out her daily bread and hence she living with her aged mother. She obtained a destitute widow certificate on 11.10.2010 from the Sub-Collector, Tirupathur District. She also belongs to the Most Backward Community.

3. Learned counsel for the petitioner submitted that the post of Anganwadi Assistant in Konnerrvattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District, was reserved for MBC. Since the petitioner belongs to the same community she applied for the said post along with the destitute widow certificate. On 02.08.2012, a call letter for an interview for the said post was sent by the 3rd respondent and in the said call letter specific information was sought to give preference and priority as per statute. As per column No.5, the proof was required to be submitted for a destitute widow.



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In compliance with the said requirement, she produced the certificate of proof of a destitute widow to consider for appointment in the priority category, vide G.O.Ms.No.163 (Social welfare and Noon Meal Programme) dated 18.08.2010.

4. Learned counsel further submitted that there were two persons attended the interview, including the petitioner and another person was the 4th respondent. The 4th respondent is a well-to-do person having sufficient means to lead her life, whereas the petitioner is a poor widow with two children, including the mentally disorder child. However, the respondents appointed the 4th respondent as Anganwadi Assistant in Konnerrvattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District, which is illegal and arbitrary and also in violation of G.O.Ms.No163 (Social welfare and Noon Meal Programme) dated 18.08.2010 and G.O.Ms.No.203 Social Welfare Department dated 19.08.2005. Aggrieved by the appointment of the 4th respondent, the petitioner has approached this Court by way of filing this writ petition.

5. The District Collector, Tirupathur District, is *suo moto* impleaded as the 5th respondent in the present writ petition.



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6. A counter affidavit was filed on behalf of respondents 1, 2 and 3 dated 19.11.2012.

7. Learned Additional Government Pleader appearing for respondents 1, 2 and 5 submitted that as directed by this Court to get instruction in regard to accommodating the petitioner to the post of Anganwadi Assistant in Konnervattam of Thamalerimuthur Panchayat, Jolarpet Block of Vellore District, on a consolidated salary of Rs.5,000/- per month since the petitioner is a destitute widow and is aged about 50 years. He submitted that the case of the petitioner will be considered positively and the petitioner may be directed to give a representation to the 5th respondent / District Collector, Tirupathur District, to consider the petitioner's case since she is a destitute widow aged about 50 years, and her case should be treated as a special case.

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

9. In view of the above factual matrix of the case, the petitioner is directed to give a representation to the 5th respondent / District



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Collector, Tirupathur District, within a period of two weeks from the date of receipt of a copy of the order enclosing all the relevant certificates, including the destitute widow certificate and on receipt of the same, the 5th respondent / District Collector, Tirupathur District, shall consider it on merits by taking into consideration that the petitioner is aged about 50 years and is a destitute widow and pass appropriate orders on merits, in accordance with law within a period of six weeks thereof.

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2024

cda

Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

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