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W.P. No. 6575 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 6575 of 2018

and

W.M.P. Nos. 8168 & 8169 of 2018

E. Pichamani

... Petitioner

Vs.

1.The District Collector,
Villupuram District.

2.The District Project Officer,
Integrated Child Development Service Scheme,
Villupuram.

3.The Child Development Project Officer,
Panjayat Union Office Campus,
Chinnasalem.

4.Ranchitha

... 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 on the file of the second respondent in Se.Mu.Na.Ka.No.1958/A1/2017, dated 14.12.2017 and quash the same and illegal unlawful and arbitrary and consequently direct the first respondent to appoint the petitioner as Anganvadi helper at Ammapettai Village Colony, Anganvadi Centre, Chinnasalem Taluk, Villupuram District, with all monitory benefits.



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For Petitioner : Ms. M.E. Rani Selvam

For Respondents : Mr. V. Jeeva Giridharan,
Additional Government Pleader

ORDER

This Writ Petition is filed against the order dated 14.12.2017 wherein the fourth respondent has been appointed as Anganwadi Helper at Ammapettai Village Colony, Anganvadi Centre, Chinnasalem Taluk, Villupuram District and for a consequential relief to direct the first respondent to appoint her as Anganwadi Helper of the said centre.

2. The case of the petitioner is that, the applications were called for to fill the vacancies in various Anganwadi Centres in Villupuram District. The petitioner made application on 28.08.2017. She was asked to appear for interview held on 09.09.2017. The petitioner attended the interview and expecting appointment as Anganwadi Helper. But the first respondent appointed the fourth respondent as Anganwadi Helper for the said centre by proceedings dated 14.12.2017. Aggrieved by the said appointment, the present writ petition has been filed.

3. Learned counsel for the petitioner submits that the fourth respondent did not possesses the requisite qualification to be appointed as Anganwadi Helper. As per the



terms and conditions laid down in the application form, the member of the family should not be employed in Government service. But in the present case, the said condition has been violated by the fourth respondent, as her husband was employed as Special Time Scale Sweeper at Thottiam Government Higher Secondary School, Chinnasalem Taluk, since 26.11.2012. As such, the fourth respondent is not entitled to get appointment, as Anganwadi Helper which is against to the condition prescribed in the application form. Accordingly, the learned counsel for the petitioner sought to quash the appointment order issued in favour of the petitioner and for a consequential direction to appoint the petitioner as Anganwadi Helper, by allowing the writ petition.

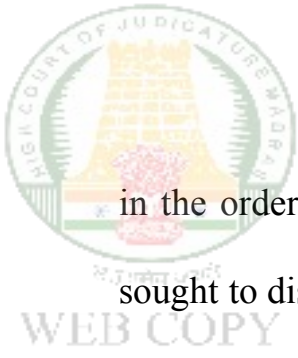
4. A counter affidavit has been filed on behalf of the respondents 1 to 3, wherein it is stated that in pursuance to the notification, the petitioner has made application for the post of Anganwadi Helper at Ammapettai Village Colony Anganwadi Centre, Chinnasalem Taluk, Villupuram District. The said centre was allotted for the candidate belongs to General Turn non-priority as per communal roster followed by the respondents. In response to the notification, 13 candidates participated in the interview including the petitioner and fourth respondent on 09.09.2017. The petitioner and fourth respondent belongs to same village and same community. During the interview process, the fourth respondent secured more marks than the petitioner and accordingly, the selection committee recommended the fourth



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respondent for appointment. It is further averred in the counter affidavit that the allegations of the petitioner that the fourth respondent got disqualified since she does not possess the requisite qualification is not valid as per the G.O.Ms.No.110, Social Welfare Department dated 14.05.2012. The educational qualification for the post of Helper shall be the ability to read and write. The fourth respondent had completed her 5th Std, she is fully eligible for the said post. With regard to the another allegations of the petitioner that the fourth respondent's husband was working as special time scale of pay Sweeper in Government Higher Secondary School and therefore she is not eligible for appointment also cannot be considered, since no such condition is imposed in the Government Order or guidelines issued for the appointment to the post of Anganwadi Helper post. As per the clarifications issued by the Director of Integrated Child Development Scheme, Chennai in Letter No.4084/E3-2/2014 dated 06.11.2014, the selection of the candidate cannot be rejected merely on the ground that any member of the family of candidate were in government service.

5. Based on the averments made in the counter affidavit and on relying the eligibility criteria prescribed in G.O.Ms.No.110, Social Welfare and Noon Meal Scheme Department dated 14.05.2012, the learned Additional Government Pleader appearing for the respondents 1 to 3 submits that there is no irregularity or illegality



in the order passed by the first respondent in appointing the fourth respondent and sought to dismiss the writ petition.

6. Having considered the submissions of the respective counsel and on perusal of the materials available on record, particularly, G.O.Ms.No.110 dated 14.05.2012, it is clear that there is no bar for appointment of the fourth respondent as Anganwadi Helper, though her husband is working as scale of pay Sweeper in Government Higher Secondary School. In the said G.O., it is further to be considered that, as clarified by the Director of Integrated Child Development, Chennai in letter dated 06.11.2014, the selection of the candidate cannot be rejected on the ground that any member of the family of candidates were in Government service.

7. In view of this position, as there is no specific bar to consider the candidate for appointment, as Anganwadi Helper only on the ground that their family members are working in any Government service, this Court do not find any ground to interfere into the appointment order issued by the first respondent in favour of the fourth respondent.



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8. For the above stated reasons, this Writ Petition is dismissed.

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9. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index :Yes/No

Neutral Citation :Yes/No

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BATTU DEVANAND, J.

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