



WEB COPY

W.P.No.6654 of 2011



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.6654 of 2011
and MP.No.2 of 2011

K. Manjula

... Petitioner

-Vs-

1. The District Collector
Cuddalore District,
Cuddalore.

2. The Project Officer
District Child Development
Scheme Department Office
Cuddalore District
Cuddalore.

3. Andal.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the first respondent in Se.Mu.Na.Ka.No.2030/A1/2010-I dated 26.02.2011 in so far as it relates to the post of Anganwadi Paniyar in Devangudi Village, Cuddalore District and consequently direct the respondents to appoint the petitioner as Anganwadi Paniyalar in Devangudi Village, Cuddalore District.



For Petitioner : No appearance

For Respondents : Mr.Abishek Murthy
Government Advocate for R1 & R2

ORDER

This writ petition is filed to call for the records of the proceedings of the first respondent in Se.Mu.Na.Ka.No.2030/A1/2010-I dated 26.02.2011 in so far as it relates to the post of Anganwadi Paniyalar in Devangudi Village, Cuddalore District and consequently direct the respondents to appoint the petitioner as Anganwadi Paniyalar in Devangudi Village, Cuddalore District.

2. The case of the petitioner is that the third respondent was selected as an Anganwadi worker, while the petitioner was not selected. She also hails from the same village and she did well in the interview. She belongs to the Scheduled Caste community. She is a destitute widow. When she possesses all the qualifications and is living only within 115 meters of the Anganwadi centre, being a destitute widow, she ought to have been preferred over the third respondent.

3. The writ petition is resisted by the respondents 1 and 2 by filing a detailed counter affidavit. It is stated that by Government order in



G.O.Ms.No.17, SW & NMP Department, dated 20.10.2010, permission was granted to fill up the vacancies for a total number of 166 vacancies in the cadre of Anganwadi workers, 65 Mini Anganwadi workers and 112 Anganwadi Helpers in Cuddalore district. As per the rules in force, the candidates should have 10th standard qualification and should be residing within 3 km of the panchayat. The petitioner as well as the 3rd respondent applied to the said post. The selection committee had considered four candidates and after evaluating them in various categories had awarded only 13 marks to the petitioner while the 3rd respondent scored 14 marks. The selection committee had also noted in the remark column that the selected candidate namely the 3rd respondent is very interested in child care and has more knowledge on nutrition and other aspects. As far as the petitioner is concerned, in the remarks column it is entered that she appeared to be not having enough skill to handle the children. As per the relevant rules in force, destitute widows are only entitled to age relaxation for five years and not preference in matters of selection.

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

5. A perusal of the original rules amended from time to time vide letter dated 12.04.1996 would show that there is no such rule that mandates the appointment of destitute widows or destitute women even if they score lesser marks in the interview. Therefore, the writ petition is bound to fail. The



W.P.No.6654 of 20

selection proceedings have been produced before this Court. When the comparative merit has been analysed by the selection committee and the appointment has been given as per the merit, in the absence of any material to discredit the same or any allegation of malafide, this Court is unable to find any ground to interfere with the selection of the 3rd respondent.

6. Accordingly writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

28.02.2024

Index : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

dpq

To

1. The District Collector
Cuddalore District,
Cuddalore.

2. The Project Officer
District Child Development
Scheme Department Office
Cuddalore District
Cuddalore.



WEB COPY



W.P.No.6654 of 2011

D. BHARATHA CHAKRAVARTHY, J.

dpq

W.P.No.6654 of 2011

28.02.2024