



W.P.No.28977 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.28977 of 2012

and

M.P.No. 2 of 2012

M. Senthamarai

...Petitioner

Vs

1. The Commissioner of Social Welfare,
Chennai – 600 005.
2. The District Collector,
Krishnagiri District,
Krishnagiri.
3. The District Project Officer,
Integrated Child Development Project,
Krishnagiri.
4. The Child Development Project Officer,
Kaveripattinam Block,
Pochampalli Taluk,
Krishnagiri Taluk.
5. Periyayapappa

...Respondents



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Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to orders in Na.Ka.No. 618/A1/2012 dated 12.09.2012 to quash the same and to issue consequential directions to the second respondent to cancel the appointment of the fifth respondent and appointing the petitioner as Anganvadi Worker, Papparapatti, Kaveripattinam Panchayat Union, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr.T. Panchatsaram

For R1 to R4 : Mr.M.Rajendrian
Additional Government Pleader

For R5 : No appearance

ORDER

This writ petition is filed seeking for Certiorarified Mandamus to quash the impugned order in Na.Ka.No. 618/A1/2012 dated 12.09.2012 passed by the second respondent and to issue directions to the second respondent to cancel the appointment of the fifth respondent and to appoint the petitioner as Anganvadi Worker, Papparapatti, Kaveripattinam Panchayat Union, Pochampalli Taluk, Krishnagiri District.



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2. The case of the petitioner is as follows:-

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2.1. The petitioner belongs to Most Backward Class Community, studied upto 12th standard and permanent resident of Papparapatti Village. She is also a Destitute Widow and having two young children. She is doing Cooley work for livelihood and there is no property of any recurring income.

2.2. In pursuant to the notification of the first respondent, the petitioner submitted her application for appointment to the post of Anganwadi Worker in Papparapatti Center by enclosing all the certificates and other requirements. The petitioner possessed all the requisite and prescribed qualifications. She was called to appear for an interview and certificate verification by the fourth respondent. There were four persons who attended the interview along with the petitioner. Though the petitioner had produced all the certificates including the widows certificate, educational qualification certificate, residence certificate, income certificate and community certificate, she was not considered for the post of the Anganwadi Worker. The post of Anganwadi Worker in Papparapatti Centre is situated in the native village of the petitioner.



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2.3 The petitioner came to know that one Periyapappa/fifth respondent have been appointed to the Papparapatti Centre by the second respondent in proceedings Na.Ka.No. 618/A1/2012 dated 12.09.2012. The fifth respondent secured the said post by producing false income certificate by concealing the original fact that she is well placed and whose husband is a landlord and other family member in Government employment. The petitioner is living in poor conditions without any regular source of income. Aggrieved by the appointment of the fifth respondent, the petitioner has come forward with the present writ petition.

3. The fourth respondent has filed a counter affidavit in September 2013.

4. The learned Additional Government Pleader appearing for the first to fourth respondents submitted that totally 18 persons including the petitioner who applied for the said post and interview was conducted on 07.08.2012 in which the petitioner and the fifth respondent have participated. During interview, the fifth respondent answered all the questions and it was found that



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the fifth respondent is age-wise senior and also residing in local area. Hence she was selected for the said post only after following the guidelines issued in G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 and also submitted that petitioner has no right to seek appointment to the post of Anganwadi Worker for the only reason that she is a widow.

5. The learned Additional Government Pleader further submitted that the petitioner is residing within three kilometer radius from the center whereas the fifth respondent is residing within 1 ½ km from the center. Hence this fifth respondent was appointed to the post of Anganwadi Worker in Papparapatti Center.

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

7. In the case on hand, the petitioner has attended the interview which held on 07.08.2012 called by the fourth respondent. Along with the petitioner,



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the fifth respondent has also participated in the interview. The fifth respondent namely Periyayappa was selected on the basis of age and residing within ½ kilometer from the Center.

8. The petitioner was called for interview by the fourth respondent for the reason that the petitioner is a Destitute widow, having two children and doing Cooley work for survival and also having required educational qualification and other qualification as stipulated in G.O.Ms.No.110, Social Welfare and Nutritious Meal Pro gramme (SW7) Department dated 14.05.2012 However, the reason stated supra, the petitioner was not selected to the said post.

9. In view of the facts and circumstances of the case, the petitioner is directed to give a representation to the second respondent, District Collector, Krishnagiri District, Krishnagiri, narrating all the facts within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent may take into consideration of all the above facts



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and aspects and pass appropriate orders on merits and in accordance with law within a period of six weeks thereof.

10. In regard to the age limit, as per the G.O.Ms.No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012, age limit for General Category is 35 year and 40 years for Destitute Widow SC/ST. In the instant case, the age of the petitioner is 41 years which exceeds the age limit prescribed by the Government Order for the Destitute Widow. However, the second respondent/District Collector shall grant age relaxation to the petitioner since she is Destitute Widow.

11. The Writ petition is disposed of with the above observations and directions. No costs. Consequently connected miscellaneous petition is closed.

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Index:Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
nsl

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J.SATHYA NARAYANA PRASAD, J.

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