



WEB COPY



W.P. No. 3439 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 3439 of 2018
and
W.M.P. No. 4225 of 2018

G. Kanimozhi

... Petitioner

Vs.

1.The District Collector,
Vellore, Vellore District.

2.The District Child Development Project Officer,
Sainathapuram, Vellore,
Vellore District.

3.The Child Development Project Officer,
Jolarpet, Vellore District.

4.Padmavathi

... 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 of the first respondent in connection with his proceedings in Se.Mu.Na.Ka.No.3720/A1/2017 (1) dated 28.09.2017, quash the same, and to direct the first respondent to appoint the petitioner herein to the post of Noon Meal Organizer in Noon Meal Centre of Andigoundanoor, Natrampalli Taluk, Vellore District.

For Petitioner : Mr. G. Sabari Vishnu
for Mr. D. Selvaraju

For Respondents : Mr. V. Jeevagiridharan
Additional Government Pleader for RR1 to 3
Mr. M. Ramadass, for R4



ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel for the fourth respondent and perused the material available on record carefully.

2. The case of the petitioner is that, she is the permanent resident of Andigoundanoor, Natrampalli Taluk, Vellore District. She is a destitute widow, having two tender aged children, aged 10 and 11 years. Pursuant to the notification issued by the first respondent calling for applications to the post of Anganwadi worker for the Anganwadi Centre, Andigoundanoor, the petitioner submitted her application. The first respondent conducted interview for selection of the said post on 16.09.2017. The petitioner participated in the interview and did well. The first respondent appointed the fourth respondent as Anganwadi worker. Aggrieved by the appointment of the fourth respondent, the petitioner has constrained to file the present writ petition.

3. Learned counsel for the petitioner would submit that, the petitioner is the resident of the hamlet where the Anganwadi Centre is situated. But the fourth respondent is the resident of neighbouring panchayat. As such, the fourth respondent is not entitled for appointment, as Anganwadi worker in Anganwadi Centre of Andigoundanoor Village. Learned counsel further contends that the petitioner has



fulfilled all requisite qualifications and eligibilities and she is suitable for appointment to the said post. But the first respondent, against to the procedure prescribed in G.O.(Ms) No.110 dated 14.05.2012 appointed the fourth respondent and sought to set aside the said appointment order, by allowing the writ petition.

4. On behalf of the respondents counter affidavit has been filed. In the counter affidavit filed by the respondents 1 to 3, it is clearly stated that the fourth respondent is resident of neighbouring Gram panchayat and petitioner is the resident of hamlet of the Grama panchayat, where the Anganwadi centre is situated. In the said counter, it is further averred that, considering the marks secured by the fourth respondent in the interview held on 16.09.2017, they appointed the fourth respondent as Anganwadi worker.

5. In the counter affidavit filed by the fourth respondent also, it is admitted that, she is the resident of neighbouring Grama panchayat. But as per G.O.Ms.No.110, the residents of the neighbouring Grama panchayat within the radius of 10 kms are entitled for appointment.

6. Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that, considering the marks secured by the fourth respondent in the interview she was selected, though she is not resident of the same hamlet where



Anganwadi Centre is situated. As such, there is no irregularity in appointing the fourth respondent and he sought to dismiss the writ petition.

7. Learned counsel appearing for the fourth respondent also advanced his arguments on the same lines .

8. Having heard the submissions of the respective counsel and on careful perusal of the material available on record, it is necessary and relevant to extract the relevant portion of G.O.Ms.No. 110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 for proper adjudication of this case, which reads as under: -

“2.8 Residency

The Government direct that the applicant should be resident of the same hamlet. If no eligible / suitable candidate from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayat of the particular centre shall be considered. Even then, eligible / suitable candidates are not available, the candidates from the neighbouring panchayats located within 10 kms shall be considered for the appointment of Anganwadi worker.”



9. On bare perusal of the above provision, it is clear that the applicant should be the resident of the same hamlet. If no eligible / suitable candidate from the same hamlet is available then only the candidates from the neighbouring hamlets of the same panchayat / particular centre shall be considered. Even then, eligible / suitable candidates are not available, then only the neighbouring panchayat candidates located within 10 kms shall be considered for appointment of Anganwadi worker.

10. In the present case, the petitioner is fully qualified and possessed all eligibilities prescribed under G.O.Ms.No.110 dated 14.05.2012. As and when eligible / suitable candidate from the same hamlet is available, the action of the first respondent in appointing the fourth respondent who is the resident of neighbouring Gram panchayat is illegal, arbitrary, unjust and contrary to the procedure prescribed in G.O.Ms.No.110 dated 14.05.2012. As such, the appointment of the fourth respondent is unsustainable under law. Accordingly, it is liable to be set aside.

11. For the reasons stated above, this Writ Petition is allowed with the following direction: -

i) The proceedings issued by the first respondent in Se.Mu.Na.Ka.No.3720/A1/2017 (1) dated 28.09.2017, is hereby set aside.

ii) The first respondent is directed to appoint the petitioner, as



W.P. No. 3439 of 2016

Anganwadi worker in Anganwadi Centre of Andigoundannor,
Natrampalli Taluk, Vellore District, forthwith.

12. Consequently, connected miscellaneous petition is closed. There shall be
no order as to costs.

24.10.2024

Index :Yes/No
Neutral Citation :Yes/No
AT

To

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