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W.P.No.31064 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.31064 of 2012

K.Jayalakshmi

Vs.

... Petitioner

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Noon Meal and Social Welfare
Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Vellore,
Vellore District.
- 3.The Tahsildar,
Arakkonam,
Vellore District.
- 4.The District Programme Officer,
Integrated Child Development Programme Office,
Sainathpuram,
Vellore,
Vellore District.
- 5.The Child Development Programme Officer,
Integrated Child Development Programme Office,
V.P.Kovil Street,
Palanipet,
Arakkonam,

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Vellore District.
6.Samundeeswari

7.Barathi

Respondents

...

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned appointment order in Se.Mu.Na.Ka.No.a1-2012 dated 02.09.2012 issued by the fourth respondent herein in favour of the sixth respondent herein and quash the same and directing the second respondent herein to appoint the petitioner herein as Anganwadi noon meal worker for the noon meal centre at Mulvoi, Mulvoi Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.S.Arunkumar

For Respondents 1 to 5 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 6 & 7 : No Appearance

ORDER

The petitioners have filed this writ petition to call for for the entire records relating to the impugned appointment order in Se.Mu.Na.Ka.No.a1-2012 dated 02.09.2012 issued by the fourth respondent herein in favour of



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the sixth respondent herein and quash the same and directing the second respondent herein to appoint the petitioner herein as Anganwadi Noon Meal Worker for the Noon Meal Centre at Mulvoi, Mulvoi Village, Arakkonam Taluk, Vellore District.

2. Learned counsel for the petitioner submitted that the petitioner belongs to Backward Class community and applied for the post of Anganwadi Noon Meal Worker at Mulvoi village Noon Meal Centre, which has been reserved for Backward Class candidate. The petitioner has attended the interview along with the respondents 6 & 7. However, the sixth respondent viz., Samundeeswari was selected for the said job and she has also joined duty on 05.09.2012. Actually, the sixth respondent belongs to a forward community viz., Hindu Pedagin Reddy Community and she is not at all entitled to apply for the above said post and got the same, which is reserved for backward class candidate. By obtaining a bogus community certificate from the third respondent, the sixth respondent has got the said post of Anganwadi Noon Meal Worker. Challenging the said order of appointment of sixth respondent issued by the fourth respondent vide Se.Mu.Na.Ka.No.a1-2012 dated 02.09.2012, the petitioner has come forward with the present writ



petition.

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3. When the matter was taken up for hearing, learned Additional Government Pleader appearing for the respondents 1 to 5 submitted a written instruction from the District Programme Officer, Ranipet vide Na.Ka.No.4698/2012, dated 07.03.2024. For better appreciation, the relevant paragraphs of the said instruction is extracted hereunder:

“The interview was conducted on 18.02.2012 to recruit the post of Anganwadi Helper in Vellore District and now it is bifurcated to Ranipet District in which the Anganwadi Centre, Mulvoy Village one among the Centre. Among the participants one Samundeeswari was selected by the Committee, the appointment order was issued by the District Programme Officer, Integrated Child Development Programme Office, Vellore vide proceedings No.1622/A1/12 dated 16.09.2012 and thereby she had joined duty.

Thereafter a complaint was received in this office stating the Appointee, Samundeeswari produced the bogus Community Certificate for the purpose of getting appointment and on receipt of the complaint, the Tahsildar, Arakonam was requested to give the report in this regard. The Tahsildar has conducted enquiry on filing a report vide proceedings No.Na.Ka.C3/14310/12 dated 13.01.2023. Thereafter the Charge-Memo was issued to



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the said Samundeeswari and enquiry was conducted in accordance with law. After the explanation received from the delinquent, the charge was proved and thereby she was terminated from service on 06.01.2014.

After cancellation of appointment, fresh recruitment process was done in the year 2017, in which various candidates were participated in the interview held on 18.09.2017 and thereby one Bharathi was selected by following all the procedures in view of the G.O.Ms.No.110, dated 14.05.2012 issued by Social Welfare Nutritious Meal Programme (SW7) Department and she was appointed as Anganwadi Helper in Mulvoy Centre under General Non-Priority Category following the Communal Rotation.

It is submitted that the Writ Petition Jayalakshmi has challenged appointment of Bharathi who recruited in Mulvoy Anganwadi Centre W.P.No.27946/2017 and the same also dismissed on 08.11.2022. It is further submitted that Writ Petitioner Jayalakshmi had filed that Writ Petition in W.P.No.27946/2017 by suppressing the present Writ Petition in W.P.No.31064/2012. The Mulvoy Centre Anganwadi Helper post has been filed by following Communal Rotation and the guide lines enumerated in G.O(Ms)No.110, dated 14.05.2012 issued by Social Welfare Nutritious Meal Programme (SW7) Department.”

4. Heard the learned counsel on either side and perused the materials available on record.



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5. The facts of the case is not in dispute. As contended by the learned counsel for the petitioner, the sixth respondent has produced a bogus certificate for the purpose of getting appointment as Anganwadi Worker which is also evident from the written instruction submitted by the learned Additional Government Pleader appearing for the respondents 1 to 5. Subsequently enquiry was conducted and based on the said enquiry report, the sixth respondent was terminated from service as early as on 06.01.2014. After cancellation of appointment, fresh recruitment process was done in the year 2017 and interview was also conducted on 18.09.2017, thereby one Bharathi, who is the seventh respondent in this writ petition was selected and appointed as Anganwadi Helper in Mulvoy Centre.

6. At this point of time, learned Additional Government Pleader appearing for the respondents 1 to 5 brought to the knowledge of this Court that suppressing the present writ petition, the petitioner has filed another writ petition before this Court in W.P.No.27946 of 2017, challenging the appointment of seventh respondent, which was dismissed on 08.11.2022. For better appreciation and understanding, the relevant portions of the order



is extracted hereunder:

“3. The petitioner states that she studied 7th standard and fully qualified for selection and appointment to the post of Anganwadi Helper. However, the 7th respondent, who is lesser qualified was considered and appointed. Pursuant to the interim direction issued by this Court, the official respondents have verified and furnished the marks statement awarded by the Interview Committee. Accordingly, the petitioner Smt.K.Jayalakshmi scored 35 marks and the 7th respondent Smt.G.Barathi scored 38 marks. The 6th respondent scored 20marks. Thus, the 7th respondent was selected and appointed.

4. The marks awarded by the Interview Committee cannot be gone into by the High Court by exercising the powers of judicial review under Article 226 of the Constitution of India, unless the procedure or selection was tainted with the allegations of mala fides or malpractices or corrupt activities.

5. In the present case, no such allegations are established and therefore, the selection was made in accordance with the assessment made by the Interview Committee, which became final. Thus, this Court do not find any infirmity in respect of the appointment made in favour of the 7th respondent and consequently, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.”

On perusal of the aforesaid order, it is crystal clear and evident that the seventh respondent has been appointed as Anganwadi Helper by following Communal Rotation and the guide lines enumerated in G.O.Ms.No.110,



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Social Welfare and Nutritious Meal Programme (SW7) Department dated
14.05.2012.

7. It is true that the sixth respondent has produced a bogus certificate to get an appointment, later she was terminated from service and seventh respondent has been appointed by the respondents by following the procedures contemplated in G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012. Hence, the claim of the petitioner to quash the appointment of sixth respondent is not maintainable.

8. Accordingly, this writ petition stands dismissed. No costs.

08.03.2024

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



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- 4.The District Programme Officer,
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Sainathpuram,
Vellore,
Vellore District.

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5.The Child Development Programme Officer,
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J.SATHYA NARAYANA PRASAD,J.

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