



Writ Petition No.5665 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.5665 of 2018
& WMP.No.7008 of 2018

R.Mahesh

..Petitioner

vs.

1.The District Programme Officer,
Integrated Child Development Services Scheme,
Dharmapuri District,
Dharmapuri.

2.The Project Officer,
Child Development Scheme,
Morappur,
Harur Taluk, Dharmapuri District.

3.Renuka

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in Pro.Na.Ka.No.539/A1/2017 dated 09.02.2018, quash the same and issue consequential directions to the first respondent herein to appoint the petitioner as Anganwadi worker in the Andipatty Centre, Harur Taluk, Dharmapuri District.



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For Petitioners : Mr.R.Thamaraiselvan

For Respondents : Mr.M.Alagu Gowtham, GA for RR1&2

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent in Pro.Na.Ka.No.539/A1/2017 dated 09.02.2018, quash the same and issue consequential directions to the first respondent herein to appoint the petitioner as Anganwadi worker in the Andipatty Centre, Harur Taluk, Dharmapuri District.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2.

3. In spite of service of notice, there is no representation on behalf of the third respondent.

4. A notification was issued to fill up the vacancy in the post of Mini Anganwadi Worker at the Andipatty Mini Anganwadi Centre. Total 9 candidates, including the petitioner and the third respondent have applied for



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the said post. Out of 9 candidates, only one candidate namely Sengudi, applied from the same Panchayat (Thoppampatti Village Panchayat) and she has secured 32 marks, which is lower than the petitioner and the third respondent. All the applicants were called for an interview on 12.09.2017, by following the procedure as contemplated under G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012 and subsequently, the third respondent was appointed.

5.It is stated in the counter affidavit that the petitioner is residing 7.7 km away from the Mini Anganwadi Centre while the third respondent is residing 3.8 km away from the Mini Anganwadi Centre. It is also stated in the counter affidavit that the third respondent secured 36 marks and the petitioner secured 33 marks in the interview. Considering fact that the third respondent has secured marks more than the petitioner, she was appointed as the Andipatty Mini Anganwadi Worker.

6.Though this Writ Petition filed by the petitioner challenging the appointment of the third respondent on the ground that she is not the resident of same hamlet or Grama Panchayat, where Anganwadi Centre is



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situated, saying that she is the resident of Panchayat, which is 5 km far away from the Anganwadi Centre, the petitioner could not place any acceptable material before this Court to substantiate her contention.

7.However, in the counter affidavit filed by the respondents 1 & 2, it is stated that the third respondent is residing 3.8 km away from the Mini Anganwadi Centre. Admittedly, the third respondent has also not the resident of same hamlet or Grama Panchayat where Anganwadi Centre is situated.

8.In Paragraph no.9 of the counter affidavit filed by the respondents 1 & 2, it is categorically stated that out of 9 candidates, who submitted applications for the post of Anganwadi Worker at the Andipatty Mini Anganwadi Centre under the Morappur Block, only one candidate applied for this centre, from the same Panchayat (Thoppampatti Village Panchayat). It is also stated in the counter affidavit that the candidate namely Sengudi, who is resident of a particular Village Panchayat was not appointed saying the reason that she has secured only 32 marks.



9. On comprehensive examination of the entire issue before this Court, this Court is not left with any option except to hold that the respondents 1 and 2 failed to follow the procedure prescribed in G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012 in finalising the selection process.

10. The relevant portion with respect to the residency of the candidate in G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012, is extracted herein under:

"The applicant should be the resident of same hamlet. If no suitable/eligible candidates from same hamlet are available, the candidates from the neighbouring hamlets for the same Panchayat of the particular centre shall be considered. Even then, the eligible candidates are not available, the candidates from neighbouring Panchayat located within 10 kms, shall be considered for the appointment of Anganwadi Worker".

11. In the present case, as admitted by the respondents 1 & 2 through their counter affidavit that one candidate namely Sengudi is available from the same Panchayat. When one candidate is available from the same



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Panchayat, the question of consideration of the candidates of neighbouring panchayats does not arise. It appears that the respondents 1 & 2 without following the procedure prescribed under G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012 and without taking into consideration of the conditions stipulated to consider the residency aspect of the applicants, erroneously proceeded with the selection process and appointed the third respondent herein.

12. We are making it clear that when eligible candidates from the same hamlet or Panchayat is available, the appointment of the third respondent is contrary to G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012. The action of the respondents 1 and 2 in appointing the third respondent is causing serious in-justice to the resident of that Grama Panchayat. Such types of selective appointments, which are being made by the Government Officers cannot be accepted and it has to be set aside to render substantiate justice to the real eligible candidates.

13. In view of the above, in exercising the extraordinary jurisdiction



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conferred upon this Court under Article 226 of the Constitution of India, this Court is inclined to set aside the selection process undertaken by the respondents 1& 2 to fill up the vacancy of the Anganwadi worker in the Mini Anganwadi Centre under the Morappur Block at Andipatty, Harur Taluk, Dharmapuri District and consequential order impugned in this Writ Petition, in order to render substantiate justice to the real eligible candidates.

14. Accordingly, this Writ Petition is disposed of, with the following directions:

(i) The selection process undertaken by the respondents 1 & 2 to fill up the vacancy of the Anganwadi worker post in the Mini Anganwadi Centre under the Morappur Block at Andipatty is hereby set aside and the consequential appointment order issued in favour of the third respondent is also set aside.

(ii) The first and second respondents shall appoint one Sengudi to the post of Anganwadi worker in the Mini Anganwadi Centre under the Morappur Block at Andipatty, forthwith, who is the only candidate submitted application from the same Panchayat to the said post.

(iii) No costs.



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Consequently connected miscellaneous petition is closed.

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Index : Yes/No

Speaking order: Yes/No
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To

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Child Development Scheme,
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BATTU DEVANAND, J

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