



W.P.No.6619 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM:

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

W.P.No.6619 of 2020

S.Nadhiya

...Petitioner

Vs

1.The Director,
Integrated Child Development
Services Scheme,
Pammal Nallathambi Street,
Tharamani,
Chennai-113.

2.The District Collector,
Office of the District Collector,
Sathuvachari,
Vellore-9.

3.The District Project Officer,
Integrated Child Development Scheme,
District Project Office,
Office of the District Collector,
Sathuvachari, Vellore-9.

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4.Tmt.Vennila

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring that the action of the respondents 1 to 3 in appointing the 4th respondent as Anganwadi Worker at Salamanatham Mini Anganwadi Center with effect from 04.10.2017, as illegal, arbitrary, unreasonable and unconstitutional and consequently direct the respondents 1 to 3 to appoint the petitioner as Anganwadi Worker at Salamanatham Mini Anganwadi Center, with effect from 04.10.2017, with all monetary and other consequential benefits, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents 1 to 3 : Mr.M.Rajendiran
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Declaration, declaring that the action of the respondents 1 to 3 in appointing the 4th respondent as Anganwadi Worker at Salamanatham Mini Anganwadi Center with effect from



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04.10.2017, as illegal, arbitrary, unreasonable and unconstitutional and consequently direct the respondents 1 to 3 to appoint the petitioner as Anganwadi Worker at Salamanatham Mini Anganwadi Center, with effect from 04.10.2017, with all monetary and other consequential benefits, award costs.

2. The learned counsel for the petitioner submitted that the petitioner belonging to Salamanatham Village, but, she was not considered for appointment as Anganwadi Worker. The 4th respondent was appointed in the same place by the 1st respondent and the 4th respondent belongs to another village, which is 7 kms away.

3. The learned Additional Government Pleader submitted that as regards the appointment for recruitment on priority basis and since the husband of the 4th respondent is working in Indian Army, as per Clause-5 of the General Turn priority, she was selected to the post of Anganwadi Worker.



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4. The learned counsel for the petitioner would further submit that the petitioner has sent representation dated 30.10.2017 to the respondents 1 to 3 and the same was forwarded by the 1st respondent to the 3rd respondent by proceedings in Na.Ka.No.13884/E3-2/2017 dated 01.12.2017, but, the same was not considered by the 3rd respondent till date.

5. The learned Additional Government Pleader further submitted that the 4th respondent was appointed because she is residing within two kms., and not 7 kms., as contended by the learned counsel for the petitioner.

6. The learned counsel for the petitioner submitted that considering the candidate available under the priority quota from the other village is also eligible person, can be considered under the priority quota.

7. The learned Additional Government Pleader submitted that one J.Vennila, belonging to the same village applied for the same post under the priority quota and she is a widow not submitted her certificate as prescribed by



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the rules, therefore, her case was not considered.

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8. Heard the learned counsel on both sides and perused the materials available on record.

9. The learned Additional Government Pleader submitted the written instructions from the 3rd respondent in Na.Ka.No.676/A1/2024, dated 21.11.2021, in which, it shows that there were 37 vacant posts available as on 08.11.2024 for the post of Anganwadi Workers. In the vacant posts, in Sl.No.32, Kaniyambadi Block, there is one post vacant at Perumalaipettai.

10. Taking into consideration the factual aspects of the matter, the 3rd respondent is directed to consider the representation of the petitioner **dated 30.10.2017 taking into consideration this aspect that there is one vacant post available at Kaniyambadi Block Perumalaipettai as mentioned in Sl.No.32 of the vacancy list, to accommodate the petitioner. The petitioner belongs to Most Backward Class, the age limit for appointment to the said**



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post is 35 years and as on the date of application, she was 34 years and now she is 38 years and hence, she is not eligible for future recruitment.

Therefore, the 3rd respondent shall take this aspect also into consideration and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

11. In the result, the writ petition stands disposed of with the above observation and direction. No costs.

26.11.2024

Index: Yes/No
Internet: Yes
Speaking / Non-Speaking Order
ssn

To

1. The Director,
Integrated Child Development
Services Scheme,

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2.The District Collector,
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J.SATHYA NARAYANA PRASAD, J.,

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