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W.P. No. 2442 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 2442 of 2018

and

W.M.P. No. 2959 of 2018

G. Suseela

... Petitioner

Vs.

1.The District Project Officer,
Integrated Child Development Scheme,
Thiruvannamalai, Thiruvannamalai District.

2.The Child Development Project Officer,
Integrated Child Development Scheme,
Vembakkam Region,
Vembakkam, Thiruvannamalai District.

3.Revathi

... 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 relating to the impugned order of the first respondent in Se.Mu.Na.Ka.No.1892/A1/2017 dated 18.01.2018 and quash the same and direct the first respondent to appoint the petitioner as Anganwadi Worker, in the Anganwadi Centre, namely Anganwadi Centre, Kuthanur (East), Vembakkam Taluk, Thiruvannamalai District in the place of the third respondent with effect from the date of the impugned order namely 18.01.2018 and grant her all consequential benefits and thus render justice.



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W.P. No. 2442 of 2018

For Petitioner : Mr. P. Mohanraj
For Respondents : Mr. M. Alagu Gowtham,
Government Advocate for RR1 & 2
No Appearance for R3

ORDER

This Writ Petition has been filed against the order issued by the first respondent dated 18.01.2018 in appointing the third respondent as Anganwadi Worker in Anganwadi Centre, Kuthanur (East), Vembakkam Taluk, Thiruvannamalai District and for a consequential direction to appoint her as Anganwadi Worker for the said centre.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 and perused the material available on record. In spite of service of notice, there is no appearance for the third respondent.

3. The case of the petitioner is that, the first respondent called for applications to fill the vacancy of Anganwadi Worker in Anganwadi Centre, Kuthanur (East), Vembakkam Taluk, Thiruvannamalai District. The petitioner is a resident of Kuthanur Village and a destitute widow and she belongs to the MBC Community. The first respondent conducted interview on 06.09.2017 and the petitioner participated in the interview. The first respondent issued proceedings dated 18.01.2018 appointing the third respondent as Anganwadi Worker. Aggrieved by the same, the present writ petition has been filed.



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4. Learned counsel for the petitioner would submit that, the applicant should be the resident of the same hamlet as per G.O.Ms. No. 110 dated 14.05.2012. The petitioner is a local resident of Kuthanur Village where the centre is located and the third respondent is a resident of Sumangali Village which is at a distance of 12 km from the said Anganwadi Centre. The first respondent without following the procedure provided in G.O.Ms.No.110 dated 14.05.2012, appointed the third respondent which is illegal and liable to be set aside. Learned counsel for the petitioner further contends that, the petitioner is a destitute widow and therefore, she is entitled to priority in appointment of Anganwadi Worker post. The first respondent did not consider the same while appointing third respondent. Accordingly, the learned counsel for the petitioner sought to set aside the appointment order issued in favour of the third respondent by allowing the writ petition.

5. A counter affidavit has been filed on behalf of the first and second respondents. Based on the averments made in the counter affidavit, the learned Government Advocate would submit that the vacancy of Anganwadi Worker in Anganwadi Centre, Kuthanur (East) Vembakkam Taluk, Thiruvannamalai District, is reserved for Backward Class Non-Priority category. The petitioner and the third respondent both belongs to Backward class. The first respondent has conducted interview on 14.09.2017. On consideration of the nativity of the candidates, interest



and knowledge of the candidates which was assessed during the course of interview, the third respondent has been selected and she was appointed as Anganwadi Worker vide proceedings dated 18.01.2018. In the selection process, the third respondent secured 39 marks whereas, the petitioner secured 38 marks. It is also stated in the counter that the petitioner is a resident of 500 metre from the centre and whereas, the third respondent is a resident at the distance of 7 km from the centre. However, considering the marks secured by the third respondent in the interview, the third respondent was appointed. Therefore, the learned Government Advocate contends that there is no illegality in appointing the third respondent and sought to dismiss the writ petition.

6. Having heard the submissions of the respective counsel and on perusal of the material available on record, the main contention of the learned counsel for the petitioner is that, the first respondent failed to follow the procedure provided under G.O.Ms.No.110 Social Welfare and Nutritious Meal Program Department dated 14.05.2012 in appointing the third respondent. It is also the specific contention of the learned counsel for the petitioner that, the first respondent failed to follow the residence aspect while selecting the third respondent.

7. In view of the above, it is very apt and relevant to extract the relevant portion of the G.O.Ms.No.110 dated 14.05.2012 with respect to the resident aspect as



extracted herein under: -

“4.8 Residency

The Government direct that the applicant should be the resident of the same hamlet. If no suitable / eligible 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, the eligible candidates are not available, the candidates from the neighbouring panchayats located within 10 kms shall be considered for the appointment of Anganwadi Helper.

In respect of Anganwadi centres in the Municipality/Corporation area, the applicant residing in the same ward shall be considered. If no eligible candidate from the same ward is available, the candidates from nearby ward shall be considered. Even then the eligible candidates are not available, candidates from the Division shall be considered for appointment of Anganwadi Helper.”

8. On bare reading of the above extracted portion of the Government Order, it is clear that the applicant should be the resident of the same hamlet. If no suitable or eligible candidates from the same hamlet is available, thereafter, the appointing authority can consider the candidates from the neighbouring hamlet of the same panchayat. Even then, no eligible candidates are available, the candidates from the neighbouring panchayat located within 10 kms shall be considered. But in the present case, the petitioner is the resident of the same hamlet where Anganwadi Centre is located. As per the averments made in the counter affidavit filed by the first and



second respondents, it is established that the third respondent is the resident of 7 km away from the Anganwadi Centre and she is the resident of Sumangali Village which is 7 km away from the Anganwadi Centre.

9. Admittedly, the petitioner has fulfilled all other requirements prescribed in G.O.Ms.No.110 with respect to the age, educational qualification, residence etc. But the first respondent for the reasons best known to him, ignored the petitioner though she is fully suitable and eligible, he appointed the third respondent as Anganwadi Worker. As and when the petitioner is possessing all requisite qualifications and eligibilities and she is resident of that particular hamlet where the centre is located, without considering her candidature and appointing the third respondent, who is resident of 7 km away from the centre, is clear violation of the procedure provided under G.O.Ms.No. 110 dated 14.05.2012.

10. In view of the same, in our considered view, the order impugned in this writ petition in appointing the third respondent, as Anganwadi Worker of that particular centre is unsustainable and untenable under law and accordingly, it is liable to be quashed. Though sufficient opportunity is provided to the third respondent, by issuing notice, she did not appear in-person or through counsel and accordingly, the question of violation of principles of natural justice in setting aside the impugned order by this Court does not arise.



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

(i) The order impugned herein is quashed.

(ii) The first respondent shall appoint the petitioner as Anganwadi Worker in Anganwadi Centre, Kuthanur (East), Vembakkam Taluk, Thiruvannamalai District, forthwith.

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

10.09.2024

Index :Yes/No
Neutral Citation :Yes/No
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BATTU DEVANAND, J.

AT

To

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Integrated Child Development Scheme,
Thiruvannamalai, Thiruvannamalai District.

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