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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.16574 of 2018
& WMP.No.19747 of 2018

S.Selvi ..Petitioner

vs.

1.The District Collector,
Vellore District,
Vellore.

2.The District Project Officer,
Child Development,
Ponniamman Koil Street,
Sainathapuram,
Vellore.

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

4.The Tahsildar,
O/o.Taluk Office,
Arakkonam,
Vellore District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of a Certiorarified Mandamus, to call for the

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records pertaining to order passed by the 2nd respondent in his proceedings in Na.Ka.No.981/A1/2018 dated 12.06.2018, quash the same and consequently direct the second respondent to reinstate the petitioner as a Anganvadi worker at Vedal Colony.

For Petitioner : Mr.G.Somasekar
For Respondents : Mr.V.Jeevagiridharan, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.981/A1/2018 dated 12.06.2018, quash the same and consequently direct the second respondent to reinstate the petitioner as an Anganvadi worker at Vedal Colony.

2. Pursuant to the notification issued by the second respondent, calling for applications for the post of Child Nutrition Workers at Vedal Village, Arakkonam Taluk, Vellore District, the petitioner herein applied for the post of Anganwadi Worker. After conducting interview, according to the petitioner, she came to be selected for the post of Anganwadi worker and the

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first respondent has also issued appointment order dated 28.09.2017. Thereafter, while the petitioner working as such, she was served with a letter dated 02.01.2018 by the second respondent, calling the petitioner to attend the enquiry to be conducted on 10.01.2018. According to the petitioner, she attended the enquiry and submitted all the relevant documents and also gave a representation to the second respondent and requested not to cancel her appointment order. The petitioner appears to be appointed under the category of "women deserted by husband". However, the second respondent vide proceedings dated 06.02.2018, cancelled the order of appointment of the petitioner as Anganwadi Worker. According to the petitioner, she was abandoned by her husband and she was blessed with two children and having no other source of income. On an earlier occasion, she filed a Writ Petition in WP No.4309 of 2018 for a direction to consider her representation dated 11.01.2018 for issuance of "Deserted Women Certificate". Thereafter, pursuant to the directions of this Court vide order dated 27.02.2018, the 4th respondent considered the petitioner's representation and issued the said Certificate on 24.04.2018. The petitioner, even though submitted all relevant certificates including "Deserted Women Certificate" issued by the 4th respondent and the decree of divorce in HMOP

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No.114 of 2017 on the file of the learned Sub Judge, Arakkonam, however, the second respondent failed to consider the said documents and passed orders cancelling the appointment of the petitioner. Challenging the order passed by the second respondent dated 12.06.2018, the petitioner has constrained to file the present Writ Petition.

3. A counter affidavit has been filed on behalf of the second respondent, wherein, it is stated that the Block Level Selection Committee constituted for the purpose of selection of candidates, has selected the petitioner for the post of Anganwadi Worker since she secured 40 marks in the interview. The post was reserved for "women deserted by husband" category. It is clearly mentioned in the order of appointment dated 28.09.2017 that the petitioner shall join the duty with all original certificates including "women deserted by husband" certificate within 7 days from the date of receipt of a copy of the appointment order. However, the petitioner has not submitted the relevant "women deserted by husband" certificate from the Tahsildar and therefore, she was not allowed to join duty. The version of the petitioner that she joined duty and working in the post of Anganwadi Worker, is totally false and baseless. Since the petitioner has not submitted

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her "women deserted by husband" certificate even after 45 days from the date of issuance of appointment order, a show cause notice was issued on 14.11.2017 by Child Development Project Officer, Kaveripakkam. But no reply was received from the petitioner. A number of complaints were received by the second respondent, stating that the petitioner does not belong to deserted women category and her appointment should be cancelled. The Tahsildar vide letter dated 06.02.2018, has reported that the petitioner does not belong to deserted women category. The petitioner has got the appointment order in unlawful manner by suppressing the facts and on false information that she belongs to deserted women category, which was not proved by her by furnishing the relevant documents and hence her appointment came to be cancelled vide order dated 06.02.2018 by the second respondent, which does not warrant any interference. Therefore, with these averments, the second respondent sought dismissal of the Writ Petition.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

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5. On perusal of the records, it appears that the petitioner was appointed as Anganwadi worker of Child Nutrition Workers Centre, Vedal Village, Arakkonam Taluk, Vellore District. Thereafter, the said appointment was cancelled by the second respondent vide proceedings dated 06.02.2018 on the ground that she did not produce Deserted Woman Certificate. After obtaining the certificate of deserted woman issued by the fourth respondent on 24.04.2018, in pursuance of the order dated 27.02.2018 in W.P.No.4309 of 2018 of this Court, she submitted representations to the second respondent on 25.04.2018 and 14.05.2018 requesting to reinstate her in the post of Anganwadi Worker. The request of the petitioner for reinstatement has been rejected by the second respondent vide proceedings in Na.Ka.No.981/A1/2018, dated 12.06.2018, which is impugned in the present Writ Petition.

6. As seen from the records, it is clear that the petitioner made application on 11.01.2018 to the fourth respondent herein seeking to issue Deserted Woman Certificate. Along with that application, she also enclosed the recommendation of the Village Administrative Officer, No.13, Asamandur Village, No.14, Vedal Village, Arakkonam Taluk. The

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application of the petitioner for issuance of Deserted Woman Certificate was not considered by the fourth respondent. This Court in W.P.No.4309 of 2018 by order dated 21.02.2018, directed the fourth respondent to consider the application of the petitioner dated 11.01.2018 and pass appropriate orders within a period of four weeks. Thereafter, the fourth respondent considered the application of the petitioner and issued Deserted Woman Certificate to the petitioner on 24.04.2018. It is also an admitted fact that the Subordinate Judge, Arakkonam by his decree and judgment dated 02.01.2018 in HMOP.No.114 of 2017, passed a decree of divorce by dissolving the marriage between the petitioner and her husband.

7. The petitioner was issued an order of appointment on 28.09.2017 by the first respondent informing her to join duty with all original certificates including that of Deserted Woman Certificate within 7 days from the date of receipt of appointment order.

8. It is the contention of the respondent Nos.1 to 3 that the petitioner was not allowed to join duty as she failed to produce Deserted Woman Certificate from the fourth respondent. Thereafter, the fourth respondent

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vide letter number Nil, dated 06.02.2018, informed that the petitioner does not belong to deserted category. Since the petitioner has not submitted the relevant certificate even after 3 months and the personal enquiry was held on 10.01.2018, the appointment order issued in favour of the petitioner was cancelled by the order dated 06.02.2018 by the second respondent.

9. At the stage of admission of this Writ Petition on 04.07.2018, this Court passed an order stating that any appointment to be made in the place of the petitioner, shall be subject to the outcome of this writ petition.

10. In the affidavit filed by the second respondent on 29th August 2024, it is stated that the post of Anganwadi worker of Vedal Colony, Nadu Theru Centre was filled by promotion and no fresh appointment is made.

11. On comprehensive examination of the materials available on record and on consideration of the facts and circumstances of the case, it is an admitted fact that the petitioner falls under the category of Deserted Women Category and she is fully eligible for the post of Anganwadi worker, which is earmarked for Deserted Women Category. But she could not

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produce the Deserted Woman Certificate to the second respondent within the time granted to her. It is also an admitted fact that the reason for not submitting the Deserted Woman Certificate within the time frame was that the fourth respondent did not issue the same on the applications submitted by the petitioner on 28.08.2017, again on 11.01.2018, requesting to issue Deserted Woman Certificate. As the said representations were not considered, the petitioner approached this Court by filing W.P.No.4309 of 2018 and as per the order dated 27.02.2018 passed by this Court, the fourth respondent issued Deserted Woman Certificate in favour of the petitioner on 24.04.2018.

12. As seen from the above factual aspects, the petitioner cannot be faulted for the delay in obtaining the Deserted Woman Certificate. The delay has to be attributable to the fourth respondent. If the fourth respondent had considered the application submitted by the petitioner on 28.08.2017 within the reasonable time and issued Deserted Woman Certificate to the petitioner, she would have produced the same before the second respondent within the time frame. As such the contention of the second respondent that the petitioner has got her appointment in unlawful manner by suppressing the

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facts and the allegation that the petitioner does not belong to deserted women category had been proved beyond doubt, is not acceptable and it is far from truth as stated by the second respondent in the order of cancellation of appointment dated 06.02.2018.

13. Considering the facts and circumstances of the case, this Court fully satisfied that the petitioner is entitled for appointment to the post of Anganwadi Worker under the Deserted Women Category in the light of the certificate issued by the fourth respondent on 24.04.2018 and as such in the considered opinion of this Court, she has to be reinstated into service not only on humanitarian ground but also as per the eligibility. Accordingly, the proceedings issued by the first respondent in Sey.Mu.Na.Ka.No.3720/A1/17, dated 06.02.2018 and the proceedings issued by the second respondent in Na.Ka.No.981/A1/2018, dated 12.06.2018, are liable to be quashed in the interest of justice.

14. For the above said reasons, this Writ Petition is allowed with the following directions:

i) The proceedings issued by the first respondent in

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Sey.Mu.Na.Ka.No.3720/A1/17, dated 06.02.2018 and the proceedings issued by the second respondent in Na.Ka.No.981/A1/2018, dated 12.06.2018, are quashed; and

ii) The second respondent is directed to reinstate the petitioner as Anganwadi worker of Vedal Colony forthwith.

No costs.

Consequently, connected miscellaneous petition is closed.

05.09.2024

Index : Yes/No
Speaking order:Yes/No
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BATTU DEVANAND, J

pvs

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