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Writ Petition No.17459 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.17459 of 2018
& WMP.No.20739 of 2018

K.Ramya

..Petitioner

vs.

1.The District Collector,
Collectorate Buildings,
Namakkal

2.T.Rajamani

... 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 of the first respondent made in SE.Mu.Na.Ka.No.1018/A1/2017 dated 14.09.2017 and quash the same and consequently direct the respondent to consider the petitioner for appointment to the post of Anganwadi worker at Chinnakacauveri Anganwadi Centre.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.V.Jeevagiridharan, for R1



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ORDER

WEB COPY This Writ Petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records of the first respondent made in SE.Mu.Na.Ka.No.1018/A1/2017 dated 14.09.2017 and quash the same and consequently direct the respondent to consider the petitioner for appointment to the post of Anganwadi worker at Chinnakkaveri Anganwadi Centre.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

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

4.The petitioner is a destitute widow. The first respondent called for applications for appointment to the post of Anganwadi Worker. The petitioner applied to the said post at Chinnakkaveri Anganwadi Centre. The criteria for appointment of Anganwadi worker is that the candidate should be a local resident within a radius of 3kms. The first respondent issued



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G.O.Ms.No.43, Social Welfare and Noon Meal Department dated 28.04.2014 to fill up the vacancies to the post of Anganwadi worker. The petitioner and the second respondent had applied for the post of Anganwadi worker from Namagiripettai, Rasipuram Taluk, Namakkal District in Chinnakakkaveri Anganwadi Centre and the second respondent had been selected to the said post, which has been challenged by the petitioner in this petition.

5.The contention of the petitioner is that the petitioner is a resident of the same hamlet in which the Anganwadi Centre is located, but the second respondent, who is not the resident of that hamlet/Panchayat has been selected to that post.

6.The learned Addl.Govt.Pleader while reiterating the averments contained in the Counter affidavit filed on behalf of the 1st respondent, would contend that the petitioner does not belong to the specified communal category, in which the subject centre allotted and the claim of the petitioner is not tenable since the appointment was made to the nearest village person within the distance specified as per G.O.No.110 dated 14.05.2012 and



hence, the writ petition filed by the petitioner is not sustainable and the same is liable to be dismissed. He would further contend that for the subject post, four candidates including the petitioner have applied and at the time of interview, the Selection Committee awarded 7 marks to the 2nd respondent, who is residing within 8 kms distance from the Centre and her annual income is Rs.48,000/- and she had three children, while the petitioner was awarded 4 marks and she is residing 1 km away from the centre and her annual income is Rs.60,000/- and she had one male child and a female child. Therefore, according to the learned Addl.Govt.Pleader, comparing with the financial status of the petitioner and other relevant aspects, 2nd respondent came to be appointed as Anganwadi Worker in Chinnakakkaveri Centre.

7.The learned Addl.Govt.Pleader would submit that as per communal rotation, the community fixed for Chinnakakkaveri Anganwadi Centre was SCA (P), but the petitioner belongs to SC (P). The 2nd respondent belongs to SCA (P) and hence, he came to be appointed. The petitioner is not eligible for the post as per the communal roster fixed as per G.O.Ms.No.142 Personnel and Administrative Reforms Department dated 14.10.2009. With these contentions, the learned Addl.Govt.Pleader sought for dismissal of the



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Social Welfare and Nutritious Meal Program Department, dated 14.05.2012 in finalising the selection process. 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 first respondent through the counter affidavit in para 7, that the 2nd respondent is residing within 8 kms distance from the Centre and the petitioner is residing 1 km away from the Centre. Therefore, when one candidate is available from the same Panchayat, the question of consideration of the candidates of neighbouring panchayats does not arise. It appears that the first respondent without following the procedure prescribed under G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012 and without



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taking into consideration of the conditions stipulated to consider the residency aspect of the applicants, erroneously finalised the selection, appointing the 2nd respondent herein as Anganwadi worker. We are making it clear that when eligible candidate from the same hamlet is available, the appointment of the 2nd respondent is contrary to G.O.Ms.No.110, Social Welfare and Nutritious Meal Program Department, dated 14.05.2012. The action of the first respondent in appointing the 2nd respondent is causing serious in-justice to the petitioner who is admittedly residing 1 km away from the subject Centre. Such types of selective appointments are being made by the Government Officers cannot be accepted and it has to be set aside to render substantial justice to the real eligible candidates.

12. In view of the above, in exercising the extraordinary jurisdiction 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 first respondent to fill up the vacancy of the Anganwadi worker in Chinnakakkaveri Centre in order to render substantial justice to the real eligible candidates.



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

(i) The selection process undertaken by the first respondent vide proceedings in SE.Mu.Na.Ka.No.1018/A1/2017 dated 14.09.2017, to fill up the post of the Anganwadi worker in Chinnakakkaveri Centre is hereby set aside and the consequential appointment order issued in favour of the 2nd respondent is also set aside.

(ii) The first respondent shall appoint the petitioner to the post of Anganwadi worker in Chinnakakkaveri Centre forthwith, who is the only candidate submitted application from the same Panchayat to the said post.

(iii) No costs.

Consequently connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
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To
The District Collector,
Collectorate Buildings,
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BATTU DEVANAND.J.,

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