



WEB COPY



W.P.No.19251 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19251 of 2022

and

W.M.P.No.18528 of 2022

Kalaivani

...Petitioner

-Vs-

1.The Government of Tamil Nadu,
Department of Social Welfare and Nutritious
Meal Programme,
Represented by its Principle Secretary to the Government,
Fort St.George,
Chennai – 9.

2.The Child Development Project Officer,
Integrated Child Development Scheme,
Morappur Region, Morppur,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned G.O.(Ms)No.110, dated 14.05.2012 issued by the 1st Respondent and quash the same in respect of “residence”.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.S.Rajesh
Government Advocate



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ORDER

This Writ Petition has been filed challenging the G.O.(Ms)No.110, dated 14.05.2012 issued by the 1st Respondent and quash the same in respect of “residence” alone.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had applied for the post of Mini Anganwadi Worker in Thippampatti Mini Anganwadi Centre. The District Programme Officer, Dharmapuri issued a call letter to the petitioner and she had appeared on 12.09.2017. Considering her certificates and other aspects, she was given employment as Mini Anganwadi Worker. However, it was challenged by other candidates who were also applied for the said post before this Court and succeeded, on the ground that the petitioner is not a resident of Thippampatti Mini Anganwadi Centre. Though the petitioner filed a writ appeal as against the said order, similarly, she had also challenged the G.O.(Ms)No.110, dated 14.05.2012 issued by the first respondent.



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4. A perusal of G.O.(Ms)No.110, dated 14.05.2012 in Paragraph 2.8, it speaks about Residency. Accordingly, the applicant should be the resident of the same hamlet. If no eligible/suitable 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, eligible candidates are not available, the candidates from the neighbouring panchayats located within 10 kms, shall be considered for the appointment of Anganwadi worker. In the case of the petitioner, the petitioner does not belong to the same hamlet of the village.

5. The persons who were applied from the same hamlet challenged the appointment of the petitioner and succeeded. After having been appointed as an Anganwadi Worker and failed before this Court, after a period of ten years from the date of the Government Order, the petitioner cannot challenge the Government Order, on the ground it is quite contrary to Article 16(2) of the Constitution of India. It declares that no citizen shall, on ground only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.



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6. The eligible criteria for appointing the applicant should be a resident of the same hamlet, so that the applicant can easily approach the Anganwadi Centre and serve duty. That apart, the opportunity should be given for the resident of the said hamlet. Therefore, the neighbouring hamlet is not entitled for the post to be filled up in the neighbouring hamlet.

7. Therefore, this Court finds no infirmity or illegality in the G.O.(Ms)No.110, dated 14.05.2012 issued by the first respondent and it is not in violation of Article 16(2) of Constitution of India. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

10.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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To

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G.K.ILANTHIRAIYAN. J,

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