



W.P.(MD)No.4092 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.4092 of 2019
and
W.M.P.(MD)Nos.3189 & 3190 of 2019

Sangeetha

... Petitioner

/Vs./

1.The District Collector,
Pudukottai District,
Pudukottai.

2.District Project Officer,
Integrated Child Development Services Scheme,
Pudukottai District,
Pudukottai.

3.Radhika

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent dated .02.2019 signed on 06.02.2019 in Na.Ka.No.711/A1/2017 and quash the same and consequently direct the respondents 1 & 2 to consider the petitioner for appointment to the post of Anganwadi Worker.



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For Petitioner : Mr.R.Balakrishnan
for Mr.S.Poornachandran
For Respondents : Ms.D.Farjana Ghoushia (R1 & R2)
Special Government Pleader
Mr.M.Saravanakumar (R3)

ORDER

This writ petition has been filed challenging the appointment of the third respondent to the post of Anganwadi Worker under the impugned order dated 06.02.2019 passed by the first respondent.

2. The petitioner has challenged the appointment order of the third respondent on the following grounds:-

(a) The petitioner is more suitable for being appointed to the post of Anganwadi Worker than the third respondent;

(b) The petitioner is having better educational qualification than that of the third respondent;

(c) The petitioner resides very much nearer to the Anganwadi Center compared to the third respondent; and



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(d) The candidates, at the time of interview held on 30.08.2017 were not assessed with emotional, physical and intellectual capacity. While that being the case, there is no reason as to why the third respondent has been preferred for appointment to the post of Anganwadi Worker, instead of the petitioner.

3. A counter affidavit has been filed by the second respondent denying the contentions of the petitioner. According to the second respondent, only by following the due selection process as per the recruitment notification, the third respondent was appointed to the post of Anganwadi Worker. They have contended that the third respondent has studied B.Sc. (Computer Science) and was aged 28 years, whereas the petitioner has studied B.Com., and Diploma in Elementary Education and was aged about 33 years. They have also contended that the petitioner is residing within 2 kms away from Anganwadi Centre and the third respondent is residing 3 kms away from the Anganwadi Centre. According to them, the third respondent was preferred, after giving due consideration to the fact that the third respondent having computer knowledge, who has studied B.Sc. (Computer Science) was found to be a



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suitable candidate by the Interview Board headed by the District Project Officer, Pudukkottai, than that of the petitioner.

4. The post for which the petitioner and the third respondent had applied for is Anganwadi Worker. The Anganwadi Centre is the Centre meant for the kids aged six months to six years, where special skills are required to deal with those kids. Admittedly, the basic qualification required for the post of Anganwadi Worker is SSLC pass. Both the petitioner and the third respondent had passed SSLC. The petitioner is possessing a degree in B.Com., and Diploma in Elementary Education, whereas the third respondent is possessing B.Sc. (Computer Science) degree. The petitioner's age was 33 years, whereas the third respondent's age was 28 years. The respondents thought it fit to appoint the third respondent to the post of Anganwadi Worker, pursuant to the interview conducted by the Interview Board headed by the District Project Officer, Pudukkottai, after ascertaining the skills of the petitioner and the third respondent.



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5. Though the learned counsel appearing for the petitioner contended that the petitioner is better qualified and better skilled than that of the third respondent, this Court, while deciding this writ petition filed under Article 226 of the Constitution of India, cannot interfere with the selection process, in view of the fact that the third respondent has satisfied the eligibility criteria for being appointed to the post of Anganwadi Worker for the following reasons:-

(a) The third respondent is possessing SSLC pass certificate, which is the basic educational qualification required for the post of Anganwadi Worker;

(b) The third respondent has also satisfied the residential status criteria by residing within 3 kms from the Anganwadi Centre; and

(c) The reason for giving preference to the third respondent found in the counter affidavit filed by the second respondent that the third respondent holding a degree in Computer Science (B.Sc., Computer Science) is better equipped to work in the Anganwadi Centre cannot also be held unreasonable / unsatisfactory.



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6. A conscious call has been taken by the respondents, pursuant to an interview held by the Interview Board headed by the District Project Officer, Pudukkottai that the third respondent is more suitable to that of the petitioner for the post of Anganwadi Worker and no clinching evidence is also placed on record by the petitioner in this writ petition to prove that the third respondent is not suitable to be appointed to the post of Anganwadi Worker. This being the case, the question of interference by this Court under Article 226 of the Constitution of India does not arise.

7. For the foregoing reasons, there is no merit in this writ petition and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
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Dated:
24.09.2024