



W.A.(MD) No.660 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD) No.660 of 2018
and
C.M.P(MD)No.3635 of 2018**

Kogila

....Petitioner/Appellant

-VS-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Combined Children Development Scheme Officer,
Children Development Scheme Office,
Thiruppuvanam Taluk,
Sivagangai District.

3.P.Bhuvaneshwari

...Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 02.02.2018, passed in W.P.(MD) No.18708 of 2017.

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For Appellant : Mr.M.Suresh Kumar
For R1 & R2 : Mr.A.Baskaran
Additional Government Pleader
For R3 : No appearance

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Writ Appeal has been filed by the writ petitioner challenging the dismissal order passed by the Writ Court on 02.02.2018 in W.P(MD)No.18708 of 2017.

2. For the sake of convenience, the parties are referred to according to their litigative status before the writ Court.

3. The case of the petitioner is that she had applied for the post of Mini Anganvadi worker of Jothipuram Village, Tirupuvanam Taluk, Sivagangai District. Though she was qualified in all respects, the respondents 1 & 2 have selected the third respondent. Challenging the said selection, the appellant has filed a writ petition in W.P(MD)No.18708 of 2017.

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4. The learned counsel appearing for the appellant would submit that though the petitioner and the third respondent were residing outside the Jothipuram Panchayat and they should be treated on par, whereas the learned Single Judge, taking into consideration the age of the third respondent, had dismissed the writ petition. He would further submit that the second respondent has filed the false counter affidavit and the same has not been taken into consideration at the time of deciding the writ petition and thereby, she would seek to set aside the order of the learned Single Judge.

5. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner and the third respondent had applied for the post of Mini Anganvadi worker of Jothipuram Panchayat. It was found that both of them were residing outside the Jothipuram Panchayat Limit. However, the committee had awarded 18 marks to the third respondent and she was selected by the committee. The learned Single Judge finding that both of them were residing outside the Jothipuram Panchayat had deducted 4 marks from the petitioner and the third respondent and thereafter, finding that the third respondent was elder to the petitioner by three years had found that she is eligible



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and dismissed the writ petition. The learned Single Judge finding that 4 marks had excessively given to the third respondent and deducted and thereafter, there was a tie and the learned Single Judge, finding that the third respondent is elder to the petitioner by three years, found her eligible based on age criteria and thereby, there is no infirmity in the order of the learned Single Judge and prayed for dismissal of the writ appeal.

6. Heard the learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

7. We find that the third respondent was residing at Kalugerkadai Panchayat, which is fall within the different Panchayat. We have also gone through the process of selection and we find that both the petitioner and the third respondent were residing out side the Panchayat, however, as per the selection process age is also a criteria. Based on that, the learned Single Judge had found that the third respondent being elder to the petitioner is eligible. Therefore, we do not find any infirmity in the findings of the learned Single Judge.



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8. Accordingly, this writ appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.] [K.R.S., J.]

18.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The District Collector,
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Sivagangai.
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Children Development Scheme Office,
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