



W.P.(MD)No.21156 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.21156 of 2018

and

W.M.P.(MD).Nos.18992 & 18993 of 2018

V.Sangeetha

... Petitioner

Vs.

- 1.The Director -cum-Missioner Director,
Integrated Child Development Scheme,
No.1, Pammal Nallathambi Street,
Tharamani,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 3.The District Project Officer,
Child Development Scheme,
Ramanathapuram District,
Ramanathapuram.
- 4.The Integrated Child Development Officer,
Ramanathapuram Panchayat Union,
Ramanathapuram District.

5.M.Muneeswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records connected



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with the appointment order in favour of the fifth respondent in Se.Mu.Na.Ka.No.1896/A1/2017, dated 13.08.2018, passed by the third respondent and to quash the same as illegal, consequently directing the respondent Nos.2 and 3 to appoint the petitioner as Anganwadi Organizer / Worker at Thiruthervalai Anganwadi Center on the basis of the interview held on 04.09.2018 within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For R-1 to R-4 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the appointment order dated 13.08.2018, issued by the third respondent in favour of the fifth respondent.

2. The petitioner and the fifth respondent along with others participated in the selection process for the selection to the post of Anganwadi Organizer / Worker at Thiruthervalai Anganwadi Center. Both the petitioner as well as the fifth respondent participated in the interview called for by the official respondents. However, by the impugned order, the fifth respondent is appointed to the post of Anganwadi Organizer.

3. The petitioner has challenged the appointment order on the following grounds:



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(a). The fifth respondent is not a permanent resident at the place where the Anganwadi Center is located and hence, the petitioner is more suitable for being appointed as Anganwadi Organizer at Notchivayal Anganwadi Center; and

(b). The impugned appointment order has not been duly signed by the competent authority.

4. Admittedly, at the time of the selection process, both the petitioner and the fifth respondent were residing at Koorisatha Ayyanar Kovil Street. It is also confirmed by the address given by the petitioner in the cause title of this Writ Petition.

5. Though the learned counsel appearing for the petitioner would contend that the fifth respondent is a permanent resident at a different place, the said argument will have to be rejected by this Court due to the fact that at the time of selection process, admittedly, the fifth respondent was residing at Koorisatha Ayyanar Kovil Street, which is within three kilometers radius from the place where the Anganwadi Center is located.



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6. The recruitment notification also does not stipulate that the fifth respondent is ineligible to be appointed in case she had previously resided at a place beyond ten kilometers radius from the place of the Anganwadi Center. The only criteria that has to be seen for selecting a candidate is that on the date of the selection process whether the candidate has satisfied the residential criteria. The fifth respondent has also taken charge of her post pursuant to the impugned appointment order as early as in the year 2018 itself and this Court, while issuing notice in the year 2018, had also not issued any interim order with regard to the impugned order in favour of the petitioner.

7. When the fifth respondent has satisfied the residential criteria, this Court does not find any merit with regard to the contentions raised by the petitioner that she has not satisfied the residential criteria. Insofar as the second contention that has been raised by the petitioner, viz., that the impugned order has not been signed by the competent authority is concerned, the same has not been pleaded in the counter-affidavit filed in support of this Writ Petition. Only during the course of his submissions, the learned counsel appearing for the petitioner has raised such a ground.



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8. In view of the same, there is no necessity for this Court to consider the said ground in view of the admitted fact that the fifth respondent pursuant to the impugned appointment order has taken charge of her post as early as in the year 2018 itself.

9. For the foregoing reasons, this Court does not find any merit in this Writ Petition and the accordingly, the same stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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ABDUL QUDDHOSE, J.

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