



DATED : 30.09.2024

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18230 of 2017

and

W.M.P.(MD) No.14670 of 2017

... Petitioner

-VS-

- 1.The Principal Secretary /
Special Commissioner
Integrated Child Development Services
Tharamani, Chennai-13
- 2.The Director of Social Welfare
Chennai
- 3.The District Collector
Virudhunagar District
Virudhunagar
- 4.The District Programme Officer
Integrated Child Development Services
Virudhunagar District
Virudhunagar



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5.The Child Development Project Officer
Integrated Child Development Services
Narikudi Range, Virudhunagar District

6.Thangamani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of declaration to declare the appointment of sixth respondent as an Anganwadi Worker in Anaikulam Anganwadi Centre, Narikudi Range, Virudhunagar District, as illegal, null and void and further direct the respondents 1 to 5 herein to appoint the petitioner as an Anganwadi Worker in the Anaikulam Anganwadi Centre, Narikudi Range, Virudhunagar District, within the stipulated period.

For Petitioner : Mr.G.Marimuthu

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader for R1 to R5
Mr.Veluchamy
for Mr.N.S.Karthikeyan for R6

ORDER

This writ petition has been filed seeking to declare the appointment of the sixth respondent as an Anganwadi Worker in Anaikulam Anganwadi Centre, Narikudi Range, Virudhunagar District, as illegal, null and



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void and a further direction is sought for to the official respondents to appoint the petitioner to the said post.

2. The petitioner claims that she is more eligible than that of the sixth respondent for being appointed to the post of Anganwadi Worker. According to the petitioner, since she is older and being a resident of the very same village, where the Anganwadi Centre is located, she ought to have been appointed to the post of Anganwadi Worker in Anaikulam Anganwadi Centre. The petitioner also claims that her educational qualification is higher than that of the sixth respondent. According to the petitioner, since her educational qualification is twelfth standard pass, whereas the sixth respondent's educational qualification is tenth standard pass, she ought to have been appointed to the post of Anganwadi Worker.

3. The post of Anganwadi Worker requires special skills for taking care of the small kids in the Anganwadi Centre. Admittedly, the petitioner and the sixth respondent have satisfied the educational requirements. The subject post is to be filled up only by the Scheduled Caste candidates, other than Arunthathiar candidates. Both the petitioner as well as the sixth respondent



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belong to Scheduled Caste Category and both of them are eligible to seek for selection to the post of Anganwadi Worker as per the recruitment notification, issued by the official respondents. Both of them attended the interview called for by the fifth respondent. In the interview, the official respondents have stated in the counter affidavit that the skills of both the petitioner and the sixth respondent were tested for the purpose of selecting the right candidates for the post of Anganwadi Worker. According to them, only after testing their skills, the sixth respondent was appointed to the post of Anganwadi Worker, since she is more suitable for the subject post than that of the sixth respondent.

4. Though the petitioner is residing in the very same village, where the Anganwadi Centre is located, the recruitment notification issued by the official respondents enables them to appoint any other person residing within ten kilometers radius from the place where the Anganwadi Centre is located, in case there is no suitable / eligible candidate in the very same village where the Anganwadi Centre is located. The official respondents have also stated that only due to the fact that there was no suitable candidate to be appointed, the sixth respondent, who belongs to a place within the ten kilometers radius



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from the place where the Anganwadi Centre is located. There is no evidence produced by the petitioner to prove that she is a better skilled candidate than that of the sixth respondent for being appointed to the post of Anganwadi Worker. When there is no evidence to substantiate the case of the petitioner that she is more eligible than that of the sixth respondent for being appointed to the post of Anganwadi Worker and that too when the sixth respondent was appointed only based on the interview conducted by the fifth respondent, where skills of both the petitioner and the sixth respondent were tested and the sixth respondent was found to be more suitable, this Court cannot entertain this writ petition under Article 226 of the Constitution of India.

5. In the result, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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