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W.P.(MD) No.18231 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18231 of 2017

and

W.M.P.(MD) No.14671 of 2017

M.Eswari

... 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

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

6.M.Shanti

... Respondents

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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 Pavalamalaipatti Anganwadi Centre, Sivakasi 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 Pavalamalaipatti Anganwadi Centre, Sivakasi 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 Pavalamalaipatti Anganwadi Centre, Sivakasi Range, Virudhunagar District, as illegal, null and void and a further direction is sought for to the official respondents to appoint the petitioner to the said post.



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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 M.Pudhupatti Village, within one kilometer from the subject village, where the Anganwadi Centre is located, she ought to have been appointed to the post of Anganwadi Worker in Pavalamalaipatti Anganwadi Centre.

3. The official respondents have also stated in their counter affidavit that only after testing the skills of both the petitioner and the sixth respondent during the course of interview, the sixth respondent was appointed to the subject post ahead of the petitioner. The petitioner was 32 years old at the time of the selection process, whereas the sixth respondent was 26 years old.

4. The post of Anganwadi Worker requires special skills for taking care of small kids in the Anganwadi Centre. Both of them attended the interview called for by the fifth respondent. The official respondents have stated in their counter affidavit that the skills of both the petitioner and the sixth respondent were tested for the purpose of selecting the right candidates



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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.

5. Though the petitioner is residing one kilometer away from the 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 nearby village. 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 from the place where the Anganwadi Centre is located, was appointed. 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



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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.

6. 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.

30.09.2024

(4/4)

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

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To:

- 1.The Principal Secretary /
Special Commissioner,
Integrated Child Development Services,
Tharamani, Chennai-13.
- 2.The Director of Social Welfare,
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ABDUL QUDDHOSE, J.

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