



W.P.(MD)No.19137 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 06.12.2024

DELIVERED ON : 20.12.2024

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.19137 of 2017

and

W.M.P(MD)No.15518 of 2017

Lakima

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District,
Thoothukudi.

3.The District Project Officer (In-Charge),
Integrated Child Development Scheme,
Thoothukudi District,
Thoothukudi.

4.Amirtha Selvi

... Respondents

Prayer in W.P(MD)No.19137 of 2017 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in proceedings No.A1/2485/2017 – A73, dated 09.09.2017 appointing the 4th respondent



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as Anganvadi Assistant for Veeranayakkan Thattu Center and quash the same as bad in law and consequently forthwith direct the respondents 1 to 3 to appoint the petitioner in the post of Anganvadi Assistant in Veeranayakkan Thattu Center.

Prayer in W.M.P(MD)No.15518 of 2017 : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to grant interim stay for the impugned order passed by the 3rd respondent in proceedings No.A1/2485/2017 – A73, dated 09.09.2017 pending disposal of the above writ petition.

For Petitioner : Mr.P.M.Vishnuvarthan
For R1 – R3 : Mr.J.Ashok
Additional Government Pleader
For R4 : No Appearance

ORDER

Heard both sides.

2. The petitioner challenges the appointment of the 4th respondent, as the Anganwadi Assistant for the Veeranayakkan Thattu Centre in Thoothukudi District, Tamil Nadu, which was made under the impugned order issued by the 3rd respondent in proceeding No.A1/2485/2017-A73, dated 09.09.2017.



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3. The petitioner challenged the impugned order solely on the ground that the 4th respondent failed to comply with Eligibility Condition No.V contained in the application form for the post of Anganwadi Assistant. Condition No.V states as follows:

"குடும்ப உறுப்பினர் அரசுப் பணியில் இல்லை
என்பதற்கான சான்று தேவையான இனங்களில்
சமர்ப்பிக்க வேண்டும்"

4. The 3rd respondent, in her counter, stated that the correct designation of the post is "Mini Anganwadi Worker" and that the selection of the candidate was carried out following G.O.Ms.No.110 of the Social Welfare and Nutritious Meal Scheme (SW-7) Department, dated 14.05.2012. She further clarified that there is no condition barring family members of government servants from applying for the post of Mini Anganwadi Worker.

5. A reading of Condition No.V clearly indicates that it is not applicable to all posts but is restricted to certain categories of posts. As contended by the 3rd respondent, G.O.No.110 dated 14.08.2012 does not prescribe this condition for the post of Mini Anganwadi Worker.



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Furthermore, the petitioner has failed to establish that the said condition is mandatory for the post of Mini Anganwadi Worker.

6. Condition No.V prohibits family members of government employees from applying for certain categories of posts. According to the petitioner, the 4th respondent's mother-in-law is employed as an Anganwadi cook in the same Veeranayakkan Thattu Centre. The petitioner has failed to establish that the condition No V is mandatory for the post of Mini Anganwadi Worker. The Apex court in *State of Karnataka and others vs Ameerbi and others AIR ONLINE 2006 SC 648* while dealing with the jurisdiction of State Administrative Tribunal to entertain the Application of Anganwadi workers held that Anganwadi workers are not holding any civil post hence the Administrative Tribunal has no jurisdiction to entertain their application. It is thus evident that Anganwadi workers are not considered government servants, rendering the petitioner's challenge unsustainable.

7. In their counter, the 3rd respondent provided the marks obtained by the petitioner and the 4th respondent. Under the categories of *Residence, Education, and General Attitude*, both the petitioner and the



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4th respondent secured equal marks: 80, 3, and 6, respectively. However, under the category of *Age*, the petitioner secured 2 marks, while the 4th respondent secured 4 marks for being one year older than the petitioner. Consequently, the 4th respondent achieved a total of 93 marks, compared to the petitioner's 91 marks. As the 4th respondent scored higher, she was selected for the appointment.

8. In light of the above circumstances, I find no illegality or irregularity in the selection process adopted by the official respondents. Therefore, no interference is warranted. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.12.2024

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

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DR.A.D.MARIA CLETE, J.
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