



W.P.No.8057 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8057 of 2019 and
W.M.P.No.8658 of 2019

Kamatchi

... Petitioner

Vs.

1.Integrated Child Development Services Scheme,
No.1, Pammal Nallathambi Street,
Taramani, Chennai 600 113.

2.The District Collector,
District Integrated Child Development Scheme Division,
District Collectorate,
Villupuram District.

3.The Project Officer,
Child Development Project Office,
Chinna Salem Town,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to withdraw the fresh notice calling for applications for the post of Anganwadi Workers in Nallathur I, Villupuram and instead appoint candidates based



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on the interview dated 07.09.2017 held in pursuance of Na.Ka.No.135/2017 by considering the petitioner's representation dated 07.02.2019.

For Petitioner : Mr.P.Valliappan, Senior Counsel for Mr.Deeraj

For Respondents : Mr.T.Chezhiyan, AGP

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to withdraw the fresh notice calling for applications for the post of Anganwadi Workers in Nallathur I, Villupuram and appoint the candidates based on the interview dated 07.09.2017 held in pursuance of Na.Ka.No.135/2017 by considering the petitioner's representation dated 07.02.2019.

2. Heard Mr.P.Valliappan, learned Senior Counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner had applied to the post of Anganwadi Worker in



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Nallathur Village, Villupuram under the Integrated Child Development

Programme. The petitioner attended the interview for the said post on 07.09.2017. However, the petitioner was not appointed to the said post. Instead, one Jayakodi was found to be fit and was appointed by taking into consideration that she was a widow and that she belongs to SC Community. In fact, the said Jayakodi has filed a Writ Petition in W.P.No.27961 of 2017 and got an order in her favour on 09.10.2017.

4. However, one Susila has filed another Writ Petition in W.P.No.10109 of 2018 by stating that Jayakodi has suppressed the fact about the pending FIR against her for the offence under Sections 419, 473 and 420 of IPC on the file of the Inspector of Police, Kallakurichi Police Station. In the said Writ Petition, this Court has passed an order on 15.11.2022 by observing that Jayakodi has suppressed the fact regarding pending criminal case and her appointment to the post is not in consonance with the Government guidelines. A direction has also been issued to initiate action against her.



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5. Now the learned counsel for the petitioner submitted that the said Jayakodi is no more in service as she was found to have got tainted with a criminal case and hence, the petitioner should be considered for appointment to the post of Anganwadi Worker based on the interview attended by her on 07.09.2017. The learned counsel further submitted if a fresh notification issued to call for application to the post of Anganwadi Worker at any future point of time, the petitioner cannot apply as she would loose the qualifying age. According to the petitioner, the earlier recruitment itself has not been completed because the person who had been appointed to the post was found to be unfit in view of the pending criminal case against her.

6. The learned Additional Government Pleader for the respondents submitted that the case which was pending against Jayakodi was cleared and the action initiated against Jayakodi has also been closed.

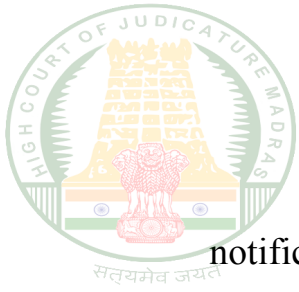


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7. It is surprising to learn that the individual who had suppressed the criminal case against her had been given with clean chit at the conclusion of the action initiated against her and that she is allowed to continue to work under the scheme. However, in the present Writ Petition, the petitioner has not impleaded Jayakodi as a party and she has not challenged the continuation of Jayakodi in the said post which is contrary to the observation made by this Court in W.P.No.10109 of 2018 dated 15.11.2022.

8. However, the petitioner has given a representation to the respondents 2 and 3 to consider her for the appointment of Anganwadi Worker by taking into consideration of the interview conducted on 07.09.2017. It is for the respondents 2 and 3 to take a call on her representation and consider the factual situations and the eligibility of Jayakodi to continue to be in service and to pass appropriate orders as to the feasibility of appointing the petitioner in case the post becomes vacant, by considering the interview held on 07.09.2017, or grant her the benefit of age relaxation to apply afresh in the event of issuing a fresh



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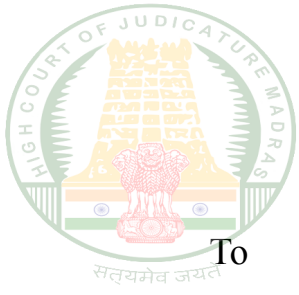
notification for the same post.

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9. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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