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WP.No.19896 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.19896 of 2018

and

WMP.No.23338 of 2018

Rajeshwari.

...

Petitioner

Vs.

1. The District Collector,
Collectorate,
Nagapattinam District.
2. The District Programme Officer,
O/o. The Child Development Project Officer,
Integrated Child Development Project Office,
District Collector Office,
Nagapattinam.
3. The Deputy Director,
O/o. The Child Development Project
Officer, Behind Municipality,
Nagapattinam.
4. The Child Development Project Officer,
O/o. The Child Development Project Officer,
Integrated Child Development Project,
Behind Municipality, Nagapattinam.
5. Mrs. Sudha
W/o Prabhu (late)



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6.Geetha

W/o.Prabakaran.

...

Respondents

[R6 impleaded vide order dated 30.06.2023
made in WMP.No.19031/23.]

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the appointment of the 6th respondent and quash the same as illegal and ultra vires and consequently direct the respondents 1 to 4 to appoint the petitioner to the post of main Anganwadi worker in Periyakannamangalam Anganwadi, Nagapattinam Taluk and District in the place of 6th respondent namely Mrs. Geetha on the basis of the petitioners representation dated 11.01.2018. (PRAYER AMENDED VIDE ORDER DT 30.06.2023 MADE IN WMP.19034/2023 in WP.19896/2018 BY PBBJ)

For Petitioner : Ms.G.Deepika for
M/s.S.Giritharan

For Respondents : Mr.T.Chezhian, AGP for RR1 to 4

ORDER

This Writ Petition has been filed under a Writ of Certiorarified Mandamus to call for the records relating to the appointment of the 6th respondent to the post of main Anganwadi worker and direct the 2nd respondent to stop handing

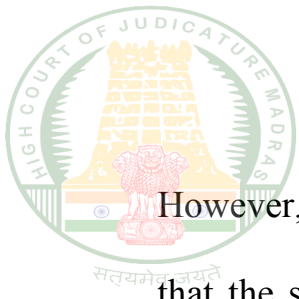


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over any responsibility to the 6th respondent relating to the post of main Anganwadi worker in Periyakannamangalam Anganwadi, Nagapattinam Taluk and District.

2. Heard, Ms.G.Deepika, learned counsel for the petitioner, Mr.T.Chezhan, learned Additional Government Pleader for respondents 1 to 4 and perused the materials available on record.

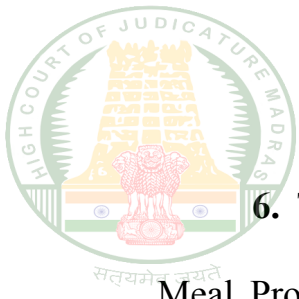
3. The 1st respondent called for applications for the post of main Anganwadi worker, mini Anganwadi worker, and Anganwadi assistant in Periyakannamangalam vide Notification No. 494 dated 28.07.2017. The education qualification prescribed for the said post is a pass in SSLC, and the age eligibility as on 01.07.2017 should be 25 years, and the applicant should reside within a 3-kilometer radius. The above post is to be given to the persons falling under the category of widows, locomotor disabled persons, and persons deserted by husbands. One of the preconditions is that no family member of the applicant should be in a government job. As the petitioner fell under the category of persons deserted by husbands, she applied to the post of Anganwadi worker with the necessary certificates. She also attended the interview on 08.09.2017.



However, she was not given any appointment order thereafter. She came to know that the said post was filled up by appointing the 6th respondent, who did not meet the eligibility criteria for the appointment to the said post. According to the petitioner, the distance factor was not properly considered by respondents 1 to 4.

4. There is no quarrel on the point that there are certain essential requirements for the applicants to apply to the post of Mini Anganwadi Workers, Main Anganwadi Workers, and Anganwadi Helpers, as per the guidelines prescribed under Government Order G.O.Ms.No.110, Social Welfare, Nutritious Meal Programme (SW7) Department dated 14.05.2012. The only contention raised by the petitioner is that the 6th respondent has been posted in the said place despite her residence is 4 kilometre away and it is in violation of the government guidelines.

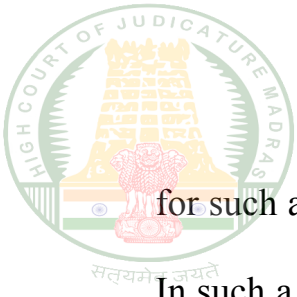
5. In the counter filed by the 4th respondent, a comparative statement of the marks given for both the petitioner and the 6th respondent under various heads during the selection process is shown. The interview panel has been given the task to assess the overall performance of the candidates, including their knowledge in the relevant field. The family situation of the applicant is also taken into consideration apart from the other essential aspects.



6. The government order in G.O.Ms.No.110, Social Welfare, Nutritious Meal Programme (SW7) Department dated 14.05.2012 would state that if no eligible or suitable candidates in the same hamlet are available, the candidates from the neighbouring village can also be taken into consideration for the appointment, and in such a case, the distance factor can be extended to a 10-kilometer radius in and around the neighbouring Panchayats. But the petitioner appears to have made her own assessment without looking into the comparative assessment made by the interview board, and it proceeded to file this petition stating that the appointment of the 6th respondent is improper and irregular.

7. As the 6th respondent had secured highest marks of 50 but the petitioner secured only 28 marks, therefore she was found to be a fit candidate than the petitioner for the appointment and the 5th respondent was not appointed in this centre. The petitioner did not produce any materials to show any malicious intention on the part of the respondents to choose the 6th respondent for the post. Records would show that the 6th respondent had proved to be a better candidate in the assessment of the interview board. Hence, I don't find any illegality or irregularity involved in the appointment process.

8. The petitioner's main concern is that when the next notification is given



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for such appointments, this petitioner would cross the age limit fixed for the post.

In such a case, it is up to the petitioner to give a request to the respondents 1 to 4 to consider for age relaxation, or the respondents themselves can take some policy decision on the age relaxation, if there are some peculiar circumstances which demands the relaxation of age for the candidates who might apply to the post in the future.

In view of the above stated reason, this writ petition is **disposed**. No costs.

Consequently, the connected Miscellaneous Petition is closed.

05.02.2025

[2/4]

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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R.N.MANJULA, J.
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