



W.P.(MD)No.1015 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.1015 of 2019

and

W.M.P.(MD)Nos.854 & 855 of 2019

P.Valli

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The District Project Officer,
Anganvadi Centres,
Trichy.

3.The Project Officer,
Child Development Project Office,
Marungapuri Block,
Trichy District.

4.Sangeetha

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the third respondent in his proceedings Se.Mu.Na.Ka.No.1270-2/A1/2017 dated 05.01.2019 and quash the same as illegal consequently direct the third respondent to appoint the petitioner as Anganvadi Assistant in Balakurichi Anganvadi Centre.



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For Petitioner : Mr.T.Leninkumar
For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.
For R4 : Mr.T.Vadivelan

ORDER

Under assail is the order of the third respondent dated 05.01.2019 and consequently to direct the third respondent to appoint the petitioner as Anganvadi Assistant in Balakurichi Anganvadi Centre.

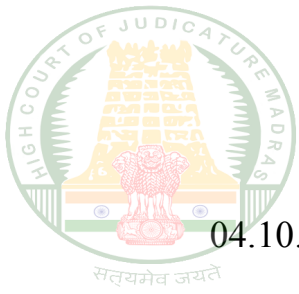
2.It is the case of the petitioner that she is hailing from Hindu Pallan community, which is recognised as Schedule Caste. The second respondent herein has issued proceedings dated 26.03.2018 to fill up the post of Anganvadi Assistant in Tiruchirappali District and as such, there was a direction to the third respondent to fill up the post by conducting interview. Based on which, the third respondent invited applications from eligible candidates to fill up the posts of Anganvadi Assistant in Balakurichi Anganvadi Centre, Marungapuri Block. The petitioner applied for the said post and the fourth respondent also applied for the said post. The fourth respondent is not a widow and she is belonging to Backward community. The third respondent called the petitioner to



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attend the interview scheduled to be held on 11.04.2018. Accordingly the petitioner had attended the interview and also produced her educational qualification certificate, School transfer certificate, community certificate, destitute widow certificate, family card, voter ID, Aashar card, house tax receipt, etc. After attending interview, was under believe that she will be selected and appointed to the said post. But for the reasons best known to the respondents 1 to 3, they did not issue appointment order. Hence, she made representations dated 16.04.2018, 07.05.2018, 05.10.2018 before the first respondent. The respondent 1 to 3 appointed the fourth respondent as Anganwadi Assistant to favour their whims and fancies. Hence, this writ petition.

3.The learned counsel appearing on behalf of the petitioner would submit that in G.O.Ms.No.188, dated 28.12.1976, it is made clear that priority should be given to the destitute widow, poor and SC/ST minorities as per rules in-force. Further, the candidate should reside within 3 kms radius from the centre and in the case of non-availability of candidates, persons residing in a radius of 10 kms shall be considered. He would further submit that the petitioner is fully qualified to be appointed as Anganwadi Assistant in terms of G.O.Ms.No.186 dated



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04.10.2017 issued by the Social welfare and Nutritious Meal Programme

Department, because she is widow and that too she is residing in the same village. He would submit that the fourth respondent is residing far away from the Anganwadi Centre and prayed to allow the writ petition.

4.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 would submit that the writ petitioner is residing in Kurakurichipatti village and she is residing within two kilometres from Balakurichi Anganvadi Centre. Similarly, the fourth respondent is residing in Palapatti, Ayanporuvai post, which is also within the two kilometres from the Anganvadi Centre. He would submit that during interview, the petitioner was secured 23 marks and the fourth respondent secured 32 marks. The selection committee has taken into consideration the marks scored by the individuals concerned. The fourth respondent, who is widow, has produced relevant certificates and considering the same, the fourth respondent was awarded 6 marks under priority category and hence, she was scored more marks than the petitioner. He would submit that there is no violation in the appointment order issued in favour of the fourth respondent and authorities have strictly followed the concerned GOs.



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5.The learned counsel appearing for the fourth respondent would submit that the fourth respondent is fully qualified to be appointed as Angawandi Assistant, in terms of GO.No.186 dated 04.10.2017 and G.O.No.163 dated 18.08.2010. The fourth respondent was appointed and she is working as Anganwadi Assistant for more than 6 years and there is no violation in the selection process conducted by respondents 1 to 3.

6.The learned counsel appearing for the petitioner states that the process of selection and appointment to the post of Anganwadi Assistant was not proper and without analysing all other aspects of the candidates individually. To strengthen his contention, he has relied upon the decision of this Court in W.P.No.29583 of 2018 dated 18.12.2023 to show that securing marks in the interview alone is not a criteria to appoint a person and the main criteria has to be taken into consideration, such as the residence of the candidate, who have applied for the said post. He has also relied upon the decision in W.P.No.2442 of 2018 dated 10.09.2024 to show that the writ petitioner has fulfilled all other requirements prescribed in G.O.Ms.No.110 dated 14.05.2012 with respect to educational qualification, residence, etc.



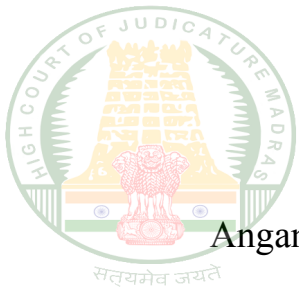
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7.It is seen from the records that the petitioner and the fourth respondent are residing within two kilometres distance from the Anganwadi Centre. The petitioner was secured 23 marks in the interview and the fourth respondent was secured 32 marks.

8.Generally, in the matter of appointments, the view taken by the Selection Committee cannot be interfered with, because of the simple fact that the persons who are in the Selection Committee are supposed to be the right persons for selecting the eligible candidates for a particular post.

9.An individual can challenge the selection process on ground of malafide or other patent irregularities committed in the selection process. The judicial review of an administrative action will be justified in case of malafide (or) procedural irregularities alone. It is not the function of a Court of law, sitting in Writ Jurisdiction to convert itself into a Court of appeal over the decisions of the Selection Committee.

10.In the instant case on hand, it is not explained to the satisfaction of this Court on behalf of the petitioner, with substantiate materials to show that there was a procedural irregularities taken place in the selection process. That apart, the fourth respondent was appointed as



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Anganwadi Assistant in the year 2018 in Balakurichi Anganvadi Centre and she is working for more than 6 years. Under these circumstances, this Court is not inclined to interfere with the appointment order issued in favour of the fourth respondent.

11.In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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