

W.P.(MD)No.13300 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.13300 of 2019

P. Murugeshkani

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The District Project Officer (In Charge),
Integrated Child Development Scheme,
Tuticorin District,
Tuticorin.

3. Muthulakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a *Writ of Certiorarified Mandamus*, calling for the records of the 1st respondent under the proceeding No.A1/79/2019-49, dated 24.02.2019 and quash the same as void, illegal, unlawful and direct the 1st respondent to appoint the petitioner for the post of Anganwari Worker [அங்கன்வாடி பணியாளர்], Mudivathanendhal East, Tuticorin District, by considering her application dated 05.03.2019, within a time frame as may be fixed by this Court.



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W.P.(MD)No.13300 of 2019

For Petitioner : M/s.M.Ponniah
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader,
for R-1 & R-2
Mr.N. Ramesh Arumugam

ORDER

Under assail is the Order, dated 24.02.2019 challenging the appointment order issued in favour of the 3rd respondent herein.

2. The case of the writ petitioner is that she belongs to schedule caste and has completed B.Com. She is a physically challenged person and her husband is doing daily wage having two children. The 1st respondent herein has issued a paper publication on 29.01.2019 for selection of aspirants to fill-up the vacancies for the post of Anganwadi worker [அங்கன்வாடி பணியாளர்] in the 2nd respondent department. She submitted her application along with necessary documents and she has attended interview on 19.02.2019. As directed by the 2nd respondent, she has produced all the documents of Nativity certificate, Aadhar Card, Decree certificate and certificate and identity card for physically challenged person and community certificate. However, the post of Anganwadi worker [அங்கன்வாடி பணியாளர்] was given to the



W.P.(MD)No.13300 of 2019

3rd respondent herein. The 3rd respondent is not a qualified candidate than the petitioner, because of the fact that the respondents 1 & 2 did not follow the guidelines issued in the publication. The respondents 1 & 2 did not given adequate marks and preference to her by considering her disability. Apart from that the reservation of 4% differently abled person has not been given. Hence, the writ petition.

3. The Learned Counsel appearing for the petitioner would submit that 4% reservation has not been given to the physically challenged person and priority is also has not been given to the petitioner. To strengthen his contention, he has relied upon the Judgment passed by the Hon'ble Supreme Court, reported in *AIR 2007 Supreme Court, 3136*, in the case of *Mahesh Gupta & Ors. Vs. V.Yashwant Kumar Ahirwar and Others*, to show that the State has to adopt the policy decision for filling up the reserved posts for physically challenged persons. He would further submit that the petitioner is a qualified candidate than the 3rd respondent and the Selection committee has not followed the guidelines issued by the Government.

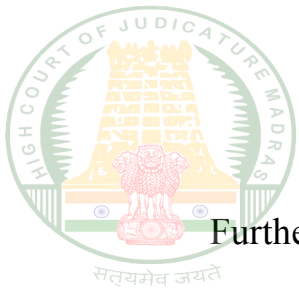


W.P.(MD)No.13300 of 2019

4. Per Contra, the Learned Additional Government Pleader, appearing for the respondents 1 & 2 would submit that, the post of Anganwadi worker [அங்கன்வாடி பணியாளர்], K.Pudur, Tuticorin District, has been reserved for general category. He would further submit that the petitioner has completed B.Com., aged about 28 years and residing 10 Km away from the Centre, whereas the 3rd respondent was aged about 27 years and studied +2 residing 1/2 Km away from the Centre. More so, the 3rd respondent who scored more marks than all other candidates. He would further submit that, since the post of Anganwadi worker [அங்கன்வாடி ஊழியர்] has been reserved for general category based on merits and other guidelines issued by the Government selection was made, there is no perversity in the appointment order issued to the 3rd respondent.

5. This Court has considered the submission made on either side and perused the available records and counter filed by the respondents 1 & 2.

6. It is seen from the typed set of papers that the writ petitioner is belonging to schedule caste, she has completed B.Com.



W.P.(MD)No.13300 of 2019

Further, she is a physically challenged person and having two children.

The writ petitioner is residing 10 Km away from the Centre and the 3rd respondent is residing 1/2 Km away from the Centre. The post of Anganwadi worker at Ramanathapuram has been earmarked for General category. The Selection committee has selected the 3rd respondent in the said post.

7. It is pertinent to mention that the individual can challenge the selection process on the grounds of *mala fide* or other patent irregularities committed in the selection process. At this stage, this Court pertinently points out that the judicial review of an administrative action will be justified in case of *mala fide* or procedural irregularities. By and large, 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. In the instant case on hand, it is not explained to the satisfaction of this Court by the petitioner to substantiate the allegations on the selection of the 3rd respondent. There is no merit in this Writ petition and the same is liable to be dismissed.



W.P.(MD)No.13300 of 2019

8. Accordingly, this Writ petition stands dismissed. No

Costs.

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NCC : Yes / No
Index : Yes / No
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10.03.2025



W.P.(MD)No.13300 of 2019

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- To
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 2. The District Project Officer (In Charge),
Integrated Child Development Scheme,
Tuticorin District,
Tuticorin.



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W.P.(MD)No.13300 of 2019

M.JOTHIRAMAN, J.

KSA

Order made in
W.P.(MD)No.13300 of 2019

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