



W.P.(MD) No.3797 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.3797 of 2019

R.Sornavalli ... Petitioner

Vs

- 1 The District Collector,
Sivagangai District,
Sivagangai.
- 2 The District Programme Officer,
Integrated Child Development Scheme,
Sivagangai District,
Sivagangai.
- 3 Child Development Project Officer,
Thiruppuvanam Block,
Sivagangai District.
- 4 B.Devi ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration, declaring the selection and appointment of the respondent No.4 as Anganwadi Worker at Keelarangiam Anganwadi Centre, Thiruppuvanam Block, Sivagangai District, as void and



W.P.(MD) No.3797 of 2019

WEB COPY

illegal, and further direct the respondents 1 to 3 to appoint the petitioner as Anganwadi Worker, Keelarangiam Anganwadi Centre, Thiruppuvanam Block, Sivagangai District.

For Petitioner : Mr.D.Sivaraman

For Respondents 1 to 3 : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader.

For Respondent 4 : Mr.M.Prabhu

ORDER

This Writ Petition is filed, challenging the appointment order issued in favour of the fourth respondent, and to declare the appointment of the fourth respondent as Anganwadi Worker at Keelarangiam Anganwadi Centre, Thiruppuvanam Block, Sivagangai District, as void and illegal, and also to direct the respondents 1 to 3 to appoint the petitioner as Anganwadi Worker at Keelarangiam Anganwadi Centre, Thiruppuvanam Block, Sivagangai District.

2. The case of the petitioner is that the she was a resident of Keelarangiam Village in Thiruppuvanam block, Sivagangai District, and she belonged to B.C. Community. Her husband died on 23.12.2014. She was doing coolie work. Being a widow, she was taking care of her father-in-law and



W.P.(MD) No.3797 of 2019

WEB COPY

mother-in-law, and also her daughter with meagre income from coolie work, that too not permanent. The respondents 1 and 2 called for applications to fill up the post of Anganwadi Worker at Anganwadi Centre, Keelarangiam, Thiruppuvanam Block, Sivagangai District. She submitted her application. The third respondent called her for interview on 06.09.2017, for which she attended along with all required certificates. She came to know that totally six persons applied for the said post. Out of the six candidates, the petitioner was more qualified than others and entitled to be selected, as she was a widow and also residing in the same village. She learnt that the fourth respondent was trying to get selected by putting up pressure and influence. The fourth respondent was not actually qualified to compete the the post, as her husband Balaji was a Government employee, working in Tamil Nadu State Transport Corporation, Karaikudi. Therefore, she submitted a representation to the first respondent on 06.11.2017, informing him that the fourth respondent was not a qualified person. Hence, this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that the official respondents failed to take into consideration the proceedings of the Special Commissioner/ Secretary to Government, Social Welfare and NMP (S.W.7) Department, in his letter No.355/S.W.7 (1) /1.2.2008, dated 20.03.2008, wherein it was specifically directed that destitute widow and poor



W.P.(MD) No.3797 of 2019

WEB COPY

have to be given preference to the post of Anganwadi Worker. He would further submit that selection process would be done by granting marks to the candidates for the place of residence, age, educational qualification, economic condition and other priorities, such as widow, inter caste marriage and other aspects, as per the guidelines issued by the Government. As no other priority candidate was available except the petitioner, she was to be provided with the employment. The learned counsel brought to the notice of the Court, that, at the time of admission of the Writ Petition, this Court directed the official respondents to keep one post of Anganwadi Worker vacant. He would further submit that the respondents failed to consider the primary fact that the petitioner was a destitute widow and, therefore, she was entitled to get priority over other candidates.

4. Per contra, learned Additional Government Pleader, appearing for the official respondents, would submit that the petitioner, the fourth respondent and two other applicants were residing in the same hamlet of Keelarangiam in Melarangiam Panchayat. The petitioner was aged about 30 years and the fourth respondent was aged about 32 years. As the fourth respondent was older than all other candidates, she was appointed to the post, as per the guidelines issued in G.O.Ms.No.110, Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 14.05.2012.



W.P.(MD) No.3797 of 2019

WEB COPY

5. The vacancy position available in the post of Anganwadi Workers is brought to the notice of this Court, in writing. Veeranendal Anganwadi Centre is 7 kms. away from Keelarangiam and Melarangiam Anganwadi Centres, and the post at Ayyampettai Anganwadi Centre, which is within the distance of 14 kms., is vacant.

6. It is not in dispute that the petitioner is a destitute widow. Further, as per the letter of the Special Commissioner/Secretary to Government, Social Welfare and NMP (S.W.7) Department, in No.355/S.W.7 (1)/1.2.2008, dated 20.03.2008, preference should be given to destitute widows and who are SC, ST and minorities, as per the rules in force, and the age limit was prescribed as 20 to 35 years. Age relaxation up to 40 years was also given to widows, deserted women and candidates in hill areas.

7. In this context, it is appropriate to refer to a decision of this Court in *V.Lakshmi v. Special Commissioner & Secretary to Government, Social Welfare & N.M.P. Department, Chennai, and Others*, 2011 (3) MLJ 85, wherein, it was held in para 16 as under :

"16. As far as the present case is concerned, the petitioner is a destitute widow aged about 23 years. However, her qualification is SSLC (X Standard). But, the selected person namely the fifth respondent is aged 29 years at the time of her selection and her qualification is B.A. Degree (History). Though an endeavour has



W.P.(MD) No.3797 of 2019

WEB COPY *been made on the part of R.R.1 to 4 that the fifth respondent is senior in age by seven years to that of the petitioner and further, she has completed B.A.(History), yet this Court is of the considered view that in the instant case on hand, the preference to be given to the destitute widow namely the petitioner as per the letter No.355/S.W. 7(1)/2008-2 dated 20.3.2008 of the first respondent/Special Commissioner and Secretary to Government, Social Welfare & NMP (S.W.7) Department, Secretariat, Chennai-9, has not been obviously kept in mind or taken into consideration by the Selection Committee or by the second Respondent/District Collector, Ramanathapuram, while issuing the impugned order dated 11.10.2008 in appointing the fifth respondent, overriding the case of the petitioner."*

8. As far as the present case is concerned, the petitioner was a destitute widow and aged about 30 years, whereas the fourth respondent was aged 32 years. The petitioner's educational qualification was Higher Secondary, whereas the fourth respondent's educational qualification was SSLC.

9. Keelarangiam Anganwadi Centre was allotted to the category of BC community. The petitioner as well as the fourth respondent belonged to BC community. Though an endeavour was made on the part of the fourth respondent that she was senior in age by two years to the petitioner, this Court is of the view that the petitioner should be given preference, she being a



W.P.(MD) No.3797 of 2019

WEB COPY

destitute widow, as per the proceedings of the Special Commissioner vide No. 355, dated 20.03.2008, cited supra.

10. It is a settled proposition of law that an individual can challenge the selection process on grounds of malafides or other patent irregularities.

11. The learned Additional Government Pleader would submit that the official respondents had appointed the fourth respondent, after considering her eligibility conditions for appointment to the post of Anganwadi Worker. He would also submit that the respondents had followed the guidelines in various Government Orders and selected the fourth respondent as the suitable person for the said post. He would further brought to the notice of the Court the places where vacancies are vacant in and around Keelarangiam Anganwadi Centre, in writing.

12. I have considered the rival submissions made on either side and also perused the material available on record.

13. In the considered opinion of this Court, the fourth respondent ought not to have been considered for appointment in view of the guidelines issued in the proceedings of the Special Commissioner, dated 20.03.2008, cited above. Admittedly, the petitioner comes under the priority category of destitute widow. She was already called for interview, but appointment was



W.P.(MD) No.3797 of 2019

WEB COPY

not given to her. At present, four vacancies of Anganwadi Workers are available in the centres in and around 10 kms. of the petitioner's residence, in Thiruppuvanam Block. In such view of the matter, this Court is not inclined to disturb the appointment already made in favour of the fourth respondent. However, since four vacancies of Anganwadi Workers remain vacant, taking note of the priority category in respect of the vacancies, this Court passes the following order :

(1) In view of the proceedings of the Special Commissioner/Secretary to Government, Social Welfare and NMP (S.W.7) Department, in No.355/S.W.7 (1)/1.2.2008, dated 20.03.2008, the first respondent – District Collector is directed to appoint the petitioner as Anganwadi Worker in any Anganwadi Centre, which is nearer to her residence, if she otherwise satisfies the conditions prescribed to the said post.

(2) The above said appointment shall be made within a period of two months from the date of receipt of copy of this order.

(3) There cannot be any hurdle for the first respondent in carrying out the above exercise, as, at the time of admission of the Writ Petition, this Court directed one post of Anganwadi Worker, to be kept vacant.



W.P.(MD) No.3797 of 2019

WEB COPY

14. Writ Petition is allowed accordingly. No costs. Consequently,
the connected W.M.P.(MD) Nos.2971 and 2972 of 2019 are closed.

21.02.2025

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

(1/2)

dixit

To:

- 1 The District Collector,
Sivagangai District,
Sivagangai.
- 2 The District Programme Officer,
Integrated Child Development Scheme,
Sivagangai District,
Sivagangai.
- 3 Child Development Project Officer,
Thiruppuvanam Block,
Sivagangai District.



WEB COPY



W.P.(MD) No.3797 of 2019

M.JOTHIRAMAN, J.

dixit

W.P.(MD) No.3797 of 2019

(1/2)

21.02.2025