



W.P.(MD) No.3798 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.3798 of 2019

S.Saravana Priya ... 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 Selvi ... 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 Melarangiam Anganwadi Centre, Thiruppuvanam Block, Sivagangai District, as void and



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illegal, and further direct the respondents 1 to 3 to appoint the petitioner as Anganwadi Worker, Melarangiam 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 Melarangiam 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 Melarangiam 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 S.C. Community. She studied up to 12th standard and was doing coolie work. The respondents 1 and 2 called for applications to fill up the post of Anganwadi Worker at Anganwadi Centre, Melarangiam, Thiruppuvanam



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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 three persons applied for the said post. Out of the three candidates, the petitioner was more qualified than others and entitled to be selected, as she was residing in the same village. She learnt that the fourth respondent was selected to the post of Anganwadi Worker and she joined in the Centre. Immediately, the petitioner approached the respondents 1 to 3 to know the reason for rejection of her candidature. She was orally informed that the reason for selection or non-selection would not be revealed. Therefore, she made a representation to the respondents under Right To Information Act, requesting them to furnish copies of the applications along with enclosures submitted by the candidates and the appointment order issued in favour of the fourth respondent. The respondents 2 and 3 rejected her application under RTI Act, by their reply, dated 12.12.2018, stating that the details, which were sought for, related to a third person and hence could not be given. Hence, this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that the petitioner was more qualified than all other candidates, who competed for the post of Anganwadi Worker. The petitioner was senior in age to the fourth



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respondent and, therefore, she was entitled to get priority over the fourth respondent. He would further submit that the counter affidavit filed by the second respondent in para 7 was totally incorrect, wherein it was stated that the petitioner was residing in other hamlet of the Panchayat. In fact, the petitioner and the fourth respondent were residing in the same village, just opposite to each other. The learned counsel would submit that first and second respondents had not furnished the reasons for rejection of the candidature of the petitioner and, therefore, they had not followed the guidelines issued by the Government, fixing the eligibility criteria for selection to the post of Anganwadi Worker.

4. Per contra, learned Additional Government Pleader, appearing for the official respondents 1 to 3, would submit that the fourth respondent was found more suitable than the petitioner for the post as per G.O.Ms.No. 110, Social Welfare and Nutritious Meal Programme (SW-7) Department, dated 14.05.2012. He would further submit that the post of Anganwadi Worker at Melarangiam Anganwadi Centre was reserved for non-priority category. The petitioner and others attended the interview and the selection committee found that the fourth respondent was more suitable than other candidates.

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



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6. A perusal of the records produced by the Government Officials, who are present before the Court, would show that the petitioner and the fourth respondent were residing in the same hamlet, namely, Keelarangiam Colony. As far as G.O.Ms.No.11, dated 14.05.2012, is concerned, Clause 2.8, which pertains to Residence, says that the applicant should be resident of the same hamlet, and, if no eligible/suitable candidates from the same hamlet is available, the candidates from the neighbouring hamlets of the same panchayat of the particular centre shall be considered. It also says that even then, eligible/suitable candidates are not available, the candidates from the neighbouring panchayats located within 10 kms. shall be considered for the appointment of Anganwadi Worker.

7. In the case on hand, admittedly, the petitioner and the fourth respondent were residing in Keelarangiam Colony, which was the hamlet of Melarangiam Panchayat.

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

9. It is pertinent to note that by way of judicial review, an administrative action will be interfered with in cases of malafieds or procedural irregularities alone. In the case on hand, the petitioner and the



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fourth respondent were residing in the same village and both were having educational qualification of Higher Secondary and both belonged to SC community. It was for the Selection Committee to consider the selection criteria, fixed by various Government Orders. In order to interfere with the appointment order issued in favour of the fourth respondent, the petitioner has not substantiated her allegations. Moreover, the fourth respondent was appointed in the year 2018 and she is still working as Anganwadi Worker. Therefore, this Court is not inclined to interfere with the appointment of the fourth respondent.

10. Writ Petition is dismissed accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.2973 and 2974 of 2019 are closed.

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

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