



W.P.(MD)No.7442 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.7442 of 2019

and

W.M.P.(MD)Nos.5953 & 5954 of 2019

D.Pushparani

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Project Officer,
Integrated Child Development Scheme,
Collectorate,
Ramanathapuram,
Ramanathapuram District.
- 3.The Child Development Project Officer,
Mudukulathur,
Ramanathapuram District.
- 4.S.Poongudi

... 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 impugned order passed by the second respondent vide his proceedings in Se.Mu.Na.Ka.No.1896/A1/2017 dated 13.08.2018 and quash the same and consequently direct the respondents to appoint the



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petitioner as Anganwadi Worker in the mini Anganwadi centre functioning in M.Thoori Village, Ramanathapuram District within a time as stipulated by this Court.

For Petitioner : Mr.P.Gunasekaran

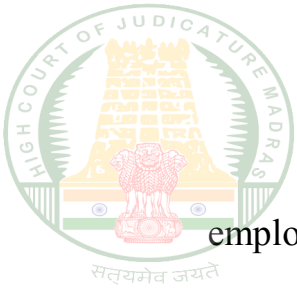
For R1 to R3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R4 : Mr.M.Muniasamy

ORDER

Under assail is the appointment order of the fourth respondent issued by the second respondent.

2.The case of the petitioner is that she is a graduate in Commerce and also holding Diploma in Teacher Education. The respondents 1 to e called for applications to fill up posts of Anganwadi Worker to the Anganwadi Centre functioning in M.Thoori Village. She made an application to the said post and she is the daughter of the Ex.Serviceman and fully qualified for the said post. She has been called for interview by the third respondent. She attended the interview and fourth respondent also attended the interview. In fact, the fourth respondent is the resident of Keelakanchirankulam village and her husband one Sappani had got

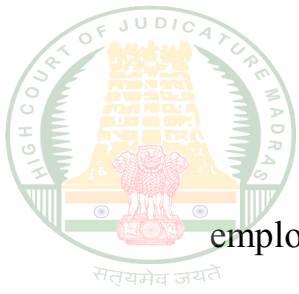


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employment in Education Department by using Ex.Servicemen quota. As

per the terms and conditions of the official respondents, the residents of the very same locality alone are eligible to be appointed as Anganwadi Workers. The fourth respondent cannot claim any post using Ex.Servicemen quota, since her husband has already got appointment. In spite of that, the fourth respondent was appointed as Anganwadi Worker. The fourth respondent has got appointment order by suppressing the true and real facts. As a matter of fact, she is not a resident of M.Thoori village and her husband got appointment in Education Department by using Ex.Servicemen quota. Since the petitioner only an eligible person to be appointed as Anganwadi Worker, she preferred the present writ petition.

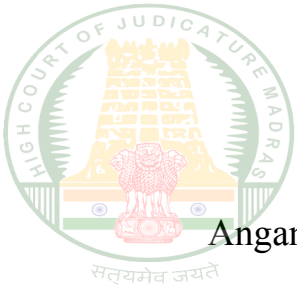
3.The learned counsel appearing for the petitioner would submit that the official respondents should have appointed the petitioner as Anganwadi Worker, since she is only candidate, who resides in the same village where the Anganwadi centre is located. The official respondents have failed to verify the fact that the fourth respondent is a resident of Keelakanchirankulam village. Further, the official respondents ignored the other fact that the fourth respondent's husband had already got



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employment under Ex.Servicemen quota, which cannot be utilized for second time as per the clarification issued by the Directorate of Ex.Servicemen Welfare. The fourth respondent has got appointment order by suppressing the real facts. He would submit that there is no bar for availing Ex.Serviceman quota, even the petitioner got married. To strengthen his contention, he has relied upon the judgment of this Court in W.P.(MD)No.2136 of 2013 dated 03.09.2021 to show that a married woman cannot be denied employment under priority category of Ex.Serviceman quota.

4.The learned Additional Government Pleader appearing for the official respondents would submit that as per the guidelines prescribed in G.O.(Ms.)No.110 dated 14.05.2012 applications were invited to fill up existing vacancies in the Anganwadi Centres in Ramanathapuram District by causing public notification. As mandated in G.O.(Ms)No.40 Labour and Employment Department, paper publication was given on 13.08.2017 in prominent News Papers and filled up applications were received from 01.08.2017 to 20.08.2019. Insofar as the Thoore Mini Anganwadi Centre is concerned, the centre was reserved for General (Ex.Servicemen) priority. Three persons applied for the post of Mini



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Anganwadi Worker including the petitioner and the fourth respondent.

He would submit that the first respondent has constituted selection committee drawn from various Department Officials. Three persons were attended interview including the petitioner and the fourth respondent. The selection committed in strict compliance of G.O(Ms.)No.110, dated 14.05.2012 was ensured the process of verification of educational qualification, distance criteria done and other various aspects. The selection committee was recommended the name of the fourth respondent. In fact, she was promoted as main Anganwadi Worker.

5.This Court has considered the rival submissions made on either side and perused the available records.

6.It is seen from the records that the petitioner studied upto B.Com and aged about 34 years old whereas, the fourth respondent studied B.A., D.T.Ed., and aged about 35 years. Both of them hailing from Hindu Maravar/DNC community. The petitioner is younger than the fourth respondent.



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7.The learned counsel appearing for the petitioner would submit that the Department of Ex.Servicemen Welfare issued guidelines, in which, in Chapter-2(Manual-1) prescribes with regard to the priority for one dependent of Ex.Serviceman, ie., any one of the family members like wife, sons and daughters of Ex.Servicemen is alone eligible, provided that the concerned Ex.Serviceman himself has not utilized the priority. The fourth respondent's husband is working by availing the Ex.Serviceman quota and therefore, the fourth respondent is not eligible once again to avail the said quota.

8.Per contra, the learned Additional Government Pleader draws attention of this Court to the paragraph No.4 of the counter affidavit filed by the second respondent, which reads as follows:-

iv) The Petitioner herein has stated that the husband of the 4th Respondent had already got employment under ex-servicemen quota. Subsequent enquiry disclosed that the husband of the Petitioner was serving as Clerk in Education Department and more-over the husband of the Petitioner herein is also working as Physical Education Teacher in School Education Department. Since both the Petitioner herein as well as the 4th Respondent have not produced records during the interview relating to their claim ex-servicemen status. Hence on applying the relevant



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parameters, the Selection Committee recommended 4th Respondent for being appointed as Mini Anganwadi Worker at M.Thoori Mini Anganwadi Center and that the 4th Respondent is serving in the Scheme for nearly 8 years without any blemish.

9. It is not in dispute that the post of Mini Anganwadi Worker in M.Thoori Anganwadi Centre is reserved for Ex.Serviceman priority. It is also noted that there are three persons have applied for the post of Mini Anganwadi Worker including the petitioner and the fourth respondent. The learned Additional Government Pleader would fairly concede that three persons who have applied for the said post are not having any priority quota under Ex.Servicemen, though they are coming under Ex.Servicemen quota.

10. 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.



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11. 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.

12. 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. There is no reason to interfere with the order impugned and the writ petition is liable to be dismissed.

13. 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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