



W.P.(MD)No.15574 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.15574 of 2019

and

W.M.P.(MD) Nos.12246 and 12247 of 2019

M.Gayathri

... Petitioner

vs.

1.The District Collector,
Madurai District.

2.The Personal Assistant to Collector,
Noo Meal Section,
Madurai District.

3.The Block Development Officer,
District Welfare of Child Development Office,
Melamadaï,
Madurai.

4.P.Sathya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the order passed by the respondent No.1 in Na.Ka.No.1949/2017/A1 dated 03.06.2019 and quash the same as illegal



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consequently to direct the 1st respondent to appoint the post of Anganwadi Paniyalar in M.Malampatti Village, Madurai District to the petitioner in accordance with law within the time stipulated by this Court.

For Petitioner :Mr.R.Prabu Ramachandran
For R1 to R3 :Mr.K.R.Badurus Zaman
Government Advocate (Crl.side)
For R4 :Mr.K.Beelamegam

ORDER

The appointment order issued by the first respondent in favour of the fourth respondent is under challenge before this Court.

2.It is the case of the petitioner that the respondents 1 to 3 had invited applications for the post of Anganwadi Paniyalar in M.Malampatti Village, Melur, Madurai District and thereby called upon the petitioner and one Sathya for interview on 08.09.2017. The petitioner had attended the interview conducted by the third respondent. Meantime, some other persons were also called for the interview. The post of Anganwadi Paniyalar requires to be the nearest one and the petitioner's house is situated nearest at 0.5 km., only to the Anganwadi Center. The



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petitioner is a senior in age for the post of Anganwadi Paniyalar and she already completed 36 years and completed 10th std., She is a destitute widow and this is the last chance to her to apply for the said post of Anganwadi Paniyalar.

3. Meanwhile, the fourth respondent, who is below the age of the petitioner, without eligibility, has been appointed. The fourth respondent's husband died recently and she is not a destitute widow. The fourth respondent is living with her family members and she has been appointed to the said post illegally. Hence, this writ petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner is a destitute widow and aged about 36 years, whereas the fourth respondent is below the age of the petitioner. The first respondent had failed to consider the age factor and financial background of the petitioner. Without considering the fact that the petitioner is a destitute widow, whereas the fourth respondent is not a destitute widow and having properties, the first respondent appointed the fourth respondent illegally.



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5. *Per contra*, the learned Government Advocate (Crl.side)

appearing for the respondents 1 to 3 would submit that the petitioner and the fourth respondent are residing in the same village. The post of Anganwadi Paniyalar was earmarked for BC(Non Muslim). There is no priority in that post. He would submit that for the post of Anganwadi Paniyalar in M.Malampatti Village, Melur, Madurai District, totally 6 persons including the petitioner and the fourth respondent had applied. The petitioner is a destitute widow, studied 10th std., possessed Diploma in Montessori training and aged about 36 years. The fourth respondent is a widow, aged about 34 years, residing in the same village and studied B.Sc., Considering the educational qualification, the fourth respondent has been appointed to the said post by the Selection Committee. There is no violation in the selection process made by the respondents 1 to 3.

6. This Court had considered the rival submissions made on either side.



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7.It is seen from the records that the authorities concerned have invited applications for the post of Anganwadi Paniyalar in M.Malampatti Village, Melur, Madurai District. In the instant case on hand, the post of Anganwadi Paniyalar in M.Malampatti Village, Melur, Madurai District has been reserved for BC (non Muslim). For the said post, totally 6 persons including the petitioner and the fourth respondent had applied.

8.It is pertinent to mention that an individual can challenge the selection process on the ground of mala fide or other blatant irregularities committed in the selection process. The judicial review of an administrative action will be justified, in case of mala fide or procedural irregularities. It is not the function of a Court of law sitting in a writ jurisdiction to convert itself into a Court of appeal over a decision of the selection Committee.

9.In para 7 of the counter affidavit filed by the third respondent, it has been stated as under:-



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“Regarding the averments made in grounds (a) to (e), of the affidavit, it is submitted that the petitioner and the 4th respondent are residing in the same village. the 4th respondent is a widow and the petitioner is a destitute widow as the centre is not reserved for priority candidate, even though the petitioner is a destitute widow, she was not appointed to the post as the 4th respondent who is a widow has higher educational qualification than all other candidates, the 4th respondent was appointed to the post.”

10.In the instant case on hand, it is not explained to the satisfaction of this Court by the petitioner as to why the petitioner has not been selected in the post of Anganwadi Paniyalar. The petitioner has failed to produce the substantial material before this Court to challenge the appointment order issued in favour of the fourth respondent. There is no merit in this writ petition.



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11.In the light of the above, the Writ Petition is liable to be dismissed and is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

04.03.2025

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M.JOTHIRAMAN, J.

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