



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.11.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.27242 of 2019

and

W.M.P(MD)Nos.23530 and 23532 of 2019

T.Kalyani

... Petitioner

..Vs..

- 1.The Distirct Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Programme officer,
Integrated Child Development Service,
Ramanathapuram District,
Ramanathapuram.
- 3.The Deputy Director of Health Services,
Ramanathapuram District,
Ramanathapuram.
- 4.The Child Development Project officer,
Thiruvadanai Block,
Thiruvadanai,
Ramanathapuram District.

5.S.Rekha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned selection and appointment of the 5th respondent for the post of Mini



Anganwadi Worker for Soochani Centre of Thiruvadanai Block, Ramanathapuram Distirct, vide his proceedings No.Nil dated Nil and quash the same as illegal and arbitrary and consequently direct him to appoint the petitioner to the said post by extending the priority of family with two female children provided in his certificate verification list within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For R1 to R4' : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging the selection of the fifth respondent for the post of Anganwadi Worker for Soochani Centre of Thiruvadanai Block, Ramanathapuram District.

2.Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4.

3.The learned counsel appearing for the petitioner would submit that the petitioner had studied Child Psychology besides Health Education and Physical Education for Children in her Diploma in Teacher Education Course. It is his further submission that she has got



two female children, but without considering such qualification, the second respondent to the reason best known to them, appointed the fifth respondent to the said post, by violating the terms and conditions stipulated in the notification. Hence, he prays to interfere with the selection order.

4.Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 would stoutly object the above contention, and would contend that the post of Anganwadi Worker was reserved for General category and the educational qualification, as per G.O.Ms.No. 110, dated 14.05.2012 is pass in 10th Std., and furthermore based upon the over all performance, suitability of the fifth respondent was finalized, and that as the fifth respondent was meritorious, she was appointed for that post. The learned Additional Government Pleader further submitted that the very issuance of the order of the first respondent will not give any benefit to the petitioner, and that such order was issued by the first respondent only being a senior officer to the second respondent and that all the recruitment was done in accordance with the rule. Hence, he prays to dismiss the writ petition.



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5.I have given my anxious consideration of the submission made on either side.

6.While looking at the submission of the Government, it is their categorical statement that the selection is based upon the performance interview, and by taking into consideration of all relevant parameters, qua age, residence, qualification and the candidate's performance during the interview. The learned Additional Government Pleader would submit that there were nine (9) persons applied for the post, and among nine persons, five persons were participated in the interview, and among them the fifth respondent being the meritorious person, she was appointed in that post. Though such appointment was objected, while looking at the affidavit, the petitioner did not make out any case for malafide against any of the respondents. Therefore, this Court is of the view that when the Government had recommended the fifth respondent, based upon the merit and suitability, the question of challenge against the appointment by way of judicial review under writ jurisdiction does not arise.

7.It is the specific contention of the petitioner that the petitioner is the mother of two female children and she is eligible to have preference.



But such contention was stoutly objected by the learned Additional Government Pleader on the ground that the petitioner and the fifth respondent were not on same merit so as to give preference. Here the fifth respondent is the meritorious candidate among all the participant. Therefore, question of giving preference has not arisen. Furthermore, the very post reserved for General category, and non priority. Therefore, even otherwise the question of giving preference does not arise in this matter.

8. The learned counsel for the petitioner would submit that the petitioner has got more qualification than the fifth respondent. In this regard, it is appropriate to refer Clause 3.7 of the G.O.Ms.No.110, wherein the recommended educational qualification for Anganwadi Worker is only 10th Std., pass. Therefore, mere possessing of higher qualification over and above required qualification is not a criteria to consider for better merit. Therefore, this Court is of the view that having the fifth respondent appointed by considering all her performance and other material records, the question of challenging the said selection only based upon the possession of higher qualification is without any basis.



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9. In view of the above, this Court absolutely does not find any infirmity in the appointment order of the fifth respondent. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

Index::Yes/No

Ncc:Yes/No

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C.KUMARAPPAN,J.
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