

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.2515 of 2023
and
C.M.P.No.21045 of 2023

M.Sathya

... Appellant

-VS-

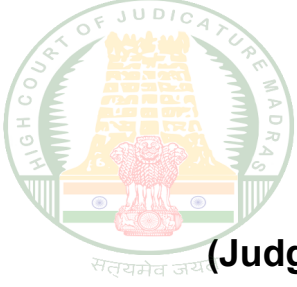
1. R.Nathiya
2. The District Collector
Dharmapuri District,
Dharmapuri.
3. The Project Officer,
Child Integrated Development Programme,
Dharmapuri, Dharmapuri District.
4. The Child Development Project Officer,
Nallampalli Taluk, Nallampalli,
Dharmapuri District.

... Respondents

Prayer: To set aside the order dated 28.06.2023 in W.P.No.30722 of 2018.

For Appellant: Mr.P.Valliappan, Senior Counsel
For M/s.PV Law Associates

For Respondents: Mr.B.Sanjay Balachandar for R1
Dr.R.Gouri, Govt. Counsel for R2



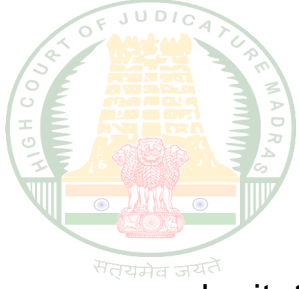
J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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Under assail is the writ order dated 28.06.2023 in W.P.No.30722 of 2018. Fourth respondent in the writ petition is the appellant before this Court.

2. First respondent herein one R.Nathiya filed writ petition, challenging the appointment order of appellant dated 09.02.2018, appointing her to the post of Anganwadi Worker. Both appellant and 1st respondent applied for selection and appointment to the post of Anganwadi Worker based on the Recruitment Notification issued by the Authority. They had participated in the process of selection and interviewed. Appellant was selected and appointed. First respondent filed writ petition mainly on the ground that no selection committee, as contemplated in G.O.Ms.No.110 Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 was constituted. Thus, entire selection is in violation of Scheme formulated by Government for appointment to the posts of Anganwadi Worker, Mini Centre Anganwadi Worker and Anganwadi Helper. Writ Petitioner / First respondent would contend that by tampering interview marks, the appellant herein was appointed as Anganwadi Worker, regarding distance criteria.



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3. Per contra, learned Senior Counsel for the appellant would submit that distance criteria was correctly followed and appellant is staying within the radius of 1.5km from the Centre and 1st respondent is staying 2 kms away. Thus, there is no irregularity in the order of appointment.

4. Writ Court, while considering issues called for records from Authorities, which was produced before Writ Court and Officials also filed typeset of papers. Writ Court, on perusal of records, made a finding that the comparative mark sheet produced by the Child Development Officer, in the column pertaining to marks issued for proximity of residence, appellant had initially scored 3 marks and it has been circled and five marks have been granted. Even in the last column No.11, the total has been filled up by applying whitener. In view of the said corrections made in the records, Writ Court found that entries are fabricated and only on the basis of corrected entries, appellant has been appointed to the post of Anganwadi Worker. Consequently, the order of appointment was set aside with a direction to Authorities to conduct a fresh selection process by following procedures as contemplated under Scheme of appointment of Anganwadi Worker.



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5. Learned Senior Counsel for the appellant would submit that the appellant is continuing in service pursuant to the interim order.

Any continuance under the cover of interim order would not be a ground to seek final relief in the main writ appeal. Even promotion, if any given during pendency of litigation would not have any impact, since initial order of appointment came to be challenged by the 1st respondent herein by way of writ petition. Writ Court set aside the order of appointment by directing the Authority to re-do the selection process. Therefore, such an argument based on the interim order would not constitute a ground to consider the appeal.

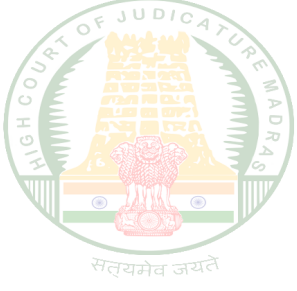
6. Writ Court has perused records and made a finding that marks awarded are corrected and fabricated in the relevant documents. On perusal of those documents, Writ Court allowed the writ petition.

7. This Court is of the considered view that selection process is tainted on account of correction of marks awarded. Thus, there is no infirmity in respect of the direction issued by Writ Court to re-do the selection process. Any continuance under the cover of interim order is not a ground to consider the present appeal. Thus, Official Respondents 2 to 4 are directed to constitute a Selection Committee as prescribed in the Scheme for appointment of Anganwadi Worker in G.O.Ms.No.110



Social Welfare and Nutritious Meal Programme (SW7) Department dated 14.05.2012 and complete the process of selection by following procedures and appoint candidates on merits and in accordance with law.

8. It is made clear that appellant as well as 1st respondent shall be permitted to participate in the selection process and they are at liberty to submit their respective applications before the competent authority on issuance of Notification. In respect of appellant and 1st respondent, Authorities may grant age relaxation, since delay occurred on account of pending litigation. The entire exercise for selection process is directed to be completed within a period of two months from the date of receipt of a copy of this judgment. The grant of age relaxation in the present case is based on the fact that writ petition and writ appeal were pending and also based on the fact that Writ Court set aside the order of appointment and interim order was passed in Writ Appeal, allowing appellant to continue in service. Thus, considering exceptional circumstances, age relaxation is granted and this order need not be followed as a precedent in other matters relating to selection.



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S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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With the above directions, Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

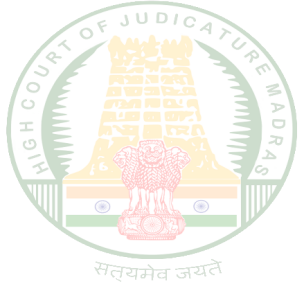
(S.M.S.,J.) (N.S.,J.)
17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AR

To:

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