

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4459 of 2021  
and  
W.M.P.No.5087 of 2021  
(Heard through VC)

Eswari

.. Petitioner

-vs-

1.The District Project Officer,  
Dharmapuri District,  
Dharmapuri.

2.The Integrated Child Development Project Officer,  
Karimangalam,  
Dharmapuri District.

3.Senbagavalli

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the order passed in Se.Mu.Na.Ka.No.539/m1/2017 dated 09.02.2018 by the 1<sup>st</sup> respondent and quash the same as illegal and consequently direct the respondents to appoint the petitioner as an Anganvadi Worker for the place Anna Nagar Centre No.30, Anna Nagar, Bommahalli, Karimangalam, Dharmapuri District.

For Petitioner : Mr.V.Balamurugan

For Respondents 1 & 2: Mr.J.Pothiraj

Special Government Pleader

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O R D E R

The writ petition has been filed challenging order passed by the 1<sup>st</sup> respondent in Se.Mu.Na.Ka.No.539/m1/2017 dated 09.02.2018 and consequently for a direction to the respondents 1 and 2 to appoint the petitioner as an Anganvadi Worker in the place of Anna Nagar Anganvadi Centre No.30, Anna Nagar, Bommahalli, Karimangalam, Dharmapuri District.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice on behalf of the respondent Nos.1 and 2. Since, no adverse order is passed against the third respondent, notice to the third respondent is dispensed with.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner has come forward with the present writ petition challenging the appointment of the third respondent. According to her, the third respondent ought not to have been appointed as Anganvadi Worker in Anna Nagar Angavadi Centre No.30. More particularly, she is younger than the petitioner and that she will have a chance of getting employment at any point. Secondly, the petitioner is qualified with M.A., B.Ed., D.Ted. and that she must be appointed in preference to the third respondent. This is the last opportunity the petitioner had and she may not be in a position to get a chance of getting employment as Anganvadi worker.

5. The learned Special Government Pleader appearing for the respondent Nos.1 & 2 would submit that the third respondent was appointed in the year 2018 and after three years, the petitioner is questioning the appointment order. He further submitted that both of them are residing in the same area and considering the criteria, the third respondent was appointed even though the third respondent has passed only 10<sup>th</sup> standard. But, the minimum qualification prescribed is 10<sup>th</sup> standard.

6. In reply, the learned counsel for the petitioner would submit that she could not get the third respondent's appointment order and only through Right Information Act, she has got the order. There is no delay in filing the writ petition.

7. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

8. The fact that the petitioner is M.A., B.Ed., D.Ted. and that the third respondent is 10<sup>th</sup> standard is not disputed. The minimum qualification required for appointment as an Anganvadi worker is 10<sup>th</sup> standard. Both of them are residing in the same area. Merely because, the third respondent may have chances in future to participate in the selection process and get appointment as Anganvadi Worker, cannot be a ground to interfere with the order of the first respondent as stated supra. This Court is not rejecting the writ petition only on the ground of delay, as it may give one more round of litigation. When the minimum qualification is prescribed and the third respondent was eligible to be appointed, her case was considered and she was

appointed. The contention of the learned counsel appearing for the petitioner that the third respondent has been appointed with the influence of the Minister cannot be accepted, as there is no evidence to that effect. If such a contention is going to be accepted, it may also be stated that a person in a higher position may be influential for directing the petitioner to file the present writ petition. For looking after the children, higher qualification may not be required at all, because M.A., B.Ed., D.Ted. are of only qualifications and many, having qualifications, cannot said to be educated and the persons, who have not seen the school may be well educated than the qualified.

9. In view of the above, the writ petition fails and is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi  
To

- 1.The District Project Officer,  
Dharmapuri District,  
Dharmapuri.
- 2.The Integrated Child Development Project Officer,  
Karimangalam,  
Dharmapuri District.

W.P.No.4459 of 2021  
and

W.M.P.No.5087 of 2021

PL (CO)  
RMP (01/04/2021)

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