

C. Karpagavalli Vs. the District Collector.

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Court : Chennai

Decided On : Apr-27-2012

Judge : D. Hariparanthaman, J.

Acts : [Constitution of India](#) - Articles 226

Appeal No. : W.P.(MD)No.2123 of 2011 and M.P.(MD)Nos.1 to 3 of 2011

Appellant : C. Karpagavalli

Respondent : The District Collector.

Advocate for Pet/Ap. : Mr. G. Thalaimutharasu, Adv

Judgement :

Prayer

Writ Petition filed under Article 226 of the [Constitution of India](#) praying for issuance of a Writ of Certiorarified Mandamus to call for the records pursuant to the Notification issued by the second respondent dated 15.02.2011 and quash the same and consequently to direct the respondents to appoint the petitioner as Anganwadi Worker at Noon Meal Centre, Kalugasalapuram, Kovilpatti Taluk, Thoothukudi District based on her qualification.

ORDER

1. The petitioner completed 10th standard. She belongs to Schedule Caste community. She registered her name with employment exchange and the Registration Number is W/2716/2000. Applications were called for from eligible candidates for 356 Anganwadi Workers in various taluks of Tuticorin District by the first respondent on 26.03.2010. The petitioner applied for the post of Anganwadi worker, as the post of Anganwadi worker was vacant in the Noon Meal Centre at Kalugasalapuram in Tuticorin District. A letter dated 16.04.2010 was sent by the third respondent, directing the petitioner to attend the interview on 23.04.2010. The petitioner and others also attended the said Interview. However, without selecting any person from the said Interview on 23.04.2010, a Notification dated 15.02.2011 was issued by the second respondent, calling for applications to the post of Anganwadi worker for the Noon Meal Centre at Kalugasalapuram in Tuticorin District. The petitioner has filed the present writ petition to quash the said Notification dated 15.02.2011 and also to direct the respondents to appoint her as Anganwadi Worker at Noon Meal Centre, Kalugasalapuram, Kovilpatti Taluk, Thoothukudi District based on her qualification.

2. The second respondent has filed a counter affidavit, refuting the allegations. It is stated in the counter affidavit that the petitioner belongs to Chidamparapuram village, which is 3 K.M away from Kalukasalapuram. The Noon Meal Centre at Kalukasalapuram is a Mini Anganwadi Centre and the person to be selected has to perform the work of both Anganwadi Worker as well as Anganwadi Assistant. Since no eligible person was there, a fresh Notification was issued. Due to declaration of Tamil Nadu Assembly Election, the code of conduct is in force from 01.03.2011 and therefore, the appointment process has been kept pending and the same would be taken up after expiry of code of conduct.

3. I have heard the submissions of the learned counsel appearing for the petitioner and also the learned Additional Government Pleader appearing for the respondents.

4. The learned counsel for the petitioner states that the only reason given in the counter affidavit is that the petitioner belongs to Chidamparapuram, which is 3 K.M. away from Kalukasalapuram. According to the learned counsel for the

petitioner, the distance between Chidamparapuram and Kalukasalapuram is less than 3 K.M. In any event, it is submitted that as per Rule, the person should reside within 3 K.M. Even according to the second respondent, the petitioner is 3 K.M. away from Kalukasalapuram. Hence, except the said reason, there is no valid reason for not selecting the petitioner. Therefore, he seeks to allow the writ petition as prayed for.

5. On the other hand, the learned Additional Government Pleader made his submissions based on the counter affidavit and prayed to dismiss the writ petition.

6. I have carefully considered the submissions of both sides.

7. The facts are not in dispute. A call letter was sent to the petitioner, directing her to appear for the interview on 23.04.2010. It is the case of the petitioner that apart from the petitioner, some others also participated in the interview and the same is also not disputed by the second respondent in the counter affidavit. The only reason for not selecting the petitioner is given in paragraph 4 of the counter affidavit and the same is extracted hereunder:-

4. It is submitted that, the interview call letters were sent to the candidates who applied for the post. The vacant place is Kalukasalapuram is a mini Anganwadi Centre. The petitioner belongs to Chidamparapuram Village, which is 3 K.Ms away from Kalukasalapuram. As the mini Anganwadi Centre is not having the post of Anganwadi Assistant and the selected worker is to perform the work of both Anganwadi Worker as well as Anganwadi Assistant (Cook). So she is not having the eligible applicant at the local the filing up of Anganwadi Worker post has been withheld by the District Collector and fresh interview has been called for an interview was conducted on 25.02.2011. Due to declaration of Tamil Nadu Assembly election and the code of conduct in force since 1st March 2011, the appointment process has been kept pending and it will taken up after the expiry of Code of conduct.

8. As per paragraph 4 of the counter affidavit, the petitioner was not selected as she is residing 3 K.M. away from Kalukasalapuram. Apart from the same, no other reason was given. It is admitted that as per the Rules, the applicant should reside

within 3 K.M. Even as per the counter affidavit, the petitioner is residing in Chidamparapuram, which is 3 K.M. away from Kalukasalapuram. Hence, the respondents are not correct in not selecting the petitioner as she is residing 3 K.M. away. According to the learned counsel for the petitioner, the distance between Chidamparapuram and Kalukasalapuram is less than 3 K.M. Even as per the counter affidavit, if the petitioner is residing 3 K.M. from Kalukasalapuram, on this reason, the appointment to the lowest post of Anganwadi Worker could not be declined. It is not the case of the respondents also that the petitioner does not possess the requisite qualification, as she has passed tenth standard.

9. In these circumstances, this writ petition is allowed and the Notification issued by the second respondent dated 15.02.2011 is quashed. The respondents are directed to appoint the petitioner as Anganwadi Worker at Noon Meal Centre, Kalugasalapuram, Kovilpatti Taluk, Thoothukudi District. However, there will be no order as to costs. Consequently, the connected M.P.(MD)Nos.1 to 3 of 2011 are closed.

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