

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN  
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WA.No. 1486 of 2010  
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AGAINST THE ORDER/JUDGMENT IN WP(C) 24032/2010 of HIGH COURT OF  
KERALA

APPELLANT(S) :  
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1. NISSA R.K.,  
ICDS SUPERVISOR, ICDS PROJECT, NILANBUR  
CHANTHAKKUNNU PO, MALAPPURAM DISTRICT.

2. MOLLY S  
ICDS SUPERVISOR, ICDS PROJECT, WANDOOOR  
MALAPPURAM DISTRICT.

3. LILLIKUTTY A  
ICDS SUPERVISOR, ICDS PROJECT, MANKANDA  
MALAPPURAM DISTRICT.

4. M.KAMALAVATHI  
ICDS SUPERVISOR, ICDS PROJECT, NILAMBUR  
MALAPPURAM DISTRICT.

5. SUDHARMANI R  
ICDS SUPERVISOR, ICDS PROJECT, NILAMBUR  
MALAPPURAM DISTRICT.

6. PADMAKUMARI T  
ICDS SUPERVISOR, ICDS PROJECT, PAYYANNUR  
KANNUR DISTRICT.

7. KRISHNAKUMARI AMMA P  
ICDS SUPERVISOR, ICDS PROJECT, IRIKKOOR  
SREEKANDAPURAM, KANNUR DISTRICT.

8. LATHA K.P  
ICDS SUPERVISOR, ICDS PROJECT, IRIKKOOR  
SREEKANDAPURAM, KANNUR DISTRICT.

9. LATHA K.P  
ICDS SUPERVISOR, ICDS PROJECT, IRIKKOOR  
SREEKANDAPURAM, KANNUR DISTRICT.

10. PATHUMMA O  
ICDS SUPERVISOR, ICDS PROJECT, KONDOTTY  
MALAPPURAM DISTRICT.

11. VIJAYALAKSHMI T  
ICDS SUPERVISOR, ICDS PROJECT, TIRUR  
MALAPPURAM DISTRICT.

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12. K.DHANALAKSHMY  
ICDS SUPERVISOR, ICDS PROJECT, TIRUR  
MALAPPURAM DISTRICT.

13. NABEESATHU BEEVI K  
ICDS SUPERVISOR, ICDS PROJECT, VANDOOOR  
MALAPPURAM DISTRICT.

14. GIRIJAKUMARI  
ICDS SUPERVISOR, ICDS PROJECT, NEELESWARAM  
KASARAGOD DISTRICT.

15. GEETHA P.L  
ICDS SUPERVISOR, ICDS PROJECT, MANJESWARAM  
KASARAGOD DISTRICT.

16. LEKHA S  
ICDS SUPERVISOR, ICDS PROJECT, PAYYANNUR  
KANNUR DISTRICT.

17. RANI K SREEDHAR  
ICDS SUPERVISOR, ICDS PROJECT, MANKADA  
MALAPPURAM DISTRICT.

BY ADVS.DR.K.P.SATHEESAN  
SRI.K.K.GOPINATHAN NAIR  
SRI.P.MOHANDAS (ERNAKULAM)  
SRI.MATHEW SUNNY  
SRI.ANOOP.V.NAIR

RESPONDENT(S) :

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1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY  
SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-1

2. THE DIRECTOR  
SOCIAL WELFARE DEPARTMENT, VIKAS BHAVAN  
THIRUVANANTHAPURAM-33

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 21-01-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J**

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**W.A.No. 1486 of 2010**  
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**Dated this the 21<sup>st</sup> January, 2015**

**JUDGMENT**

**Shaffique, J.**

This Writ Appeal has been filed by the appellants, who are the writ petitioners, challenging the judgment dated 10.8.2010 in W.P(C).No.24032 of 2010. The writ petitioners, claiming to be included in the rank list for the post of ICDS Supervisors, filed the Writ Petition seeking for regularisation of their services. The learned Single Judge, having considered the claim of the petitioners, formed an opinion that since the very appointment of the petitioners was on contract basis and as per the directions issued by this Court in W.A.No.2876 of 2002, they cannot claim any regularisation. On that basis, the Writ Petition was dismissed.

2. It is inter alia contended that as on date there are three categories of appointments, ie., on contract basis, promotion quota and selection from the ranked list

published by the P.S.C. The other categories are recruited through back door methods without any process of selection.

3. On perusal of the records relating to the aforesaid appeal, it is clear that the petitioners, though included in the ranked list, were not appointed as supervisors. However, by virtue of the judgment in W.A.No.2876 of 2002, this Court observed at paragraph 7 as under:

*“7. In view of the fair stand adopted by the counsel for the parties, we dispose of this appeal with the direction that in case the Government decides to fill up the available posts of Supervisors on contract basis, it shall do so by appointing persons whose names appear in the rank list. The candidates shall be considered in the order of their merit. The appointments shall be purely contractual. These shall not confer any right to regular appointment. In the event of suitable and eligible persons becoming available for promotion, the persons appointed on contract basis shall have to vacate the posts.”*

4. In so far as it is not disputed that the petitioners were appointed purely based on the aforesaid judgment,

their appointments were only on contract basis, which cannot create any right to be regularised in view of the decision of the Constitution Bench judgment reported in ***State of Karnataka and others v. Umadevi and others*** [(2006)4 SCC 1).

5. In the above view of the matter, we do not think that the learned Single Judge has committed any error in passing the judgment in the Writ Petition. No grounds are made out to interfere with the judgment of the learned Single Judge. The Writ Appeal is accordingly dismissed.

**ASHOK BHUSHAN  
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE  
JUDGE**

vgs20/1/15