

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 1166 of 2014 (U)

PETITIONER :

JESSY P.J.
W/O.XAVIER @ JOSE, KUTTIANIKKAL HOUSE,
ARAMBATTAKUNNU PO, WAYANAD DISTRICT 673 575.

BY ADVS.SMT.K.R.KRISHNAKUMARI
SMT.P.V.RADHAMONY

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANATHAPURAM, PIN 695 001.
2. THE DIRECTOR,
SOCIAL JUSTICE DEPARTMENT, THIRUVANANTHAPURAM,
PIN 695 001.
3. THE DISTRICT SOCIAL WELFARE OFFICER
KALPETTA, WAYANAD DISTRICT, PIN 673 121.
4. THE CHILD DEVELOPMENT PROJECT OFFICER,
KALPETTA ICDS PROJECT, WAYANAD DISTRICT, PIN 673 121.

R1 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- EXHIBIT P1 COPY OF GO(MS)NO.79/2010/SWD DATED 10/11/2010 ISSUED BY THE
IST RESPONDENT.
- EXHIBIT P2 COPY OF GO(MS) NO.35/2006/SWD DATED 11/10/2006 ISSUED BY
THE IST RESPONDENT.
- EXHIBIT P3 COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS IN
PADINJARETHARA PANCHAYAT.
- EXHIBIT P4 COPY OF THE ORDER OF THIS COURT DATED 12/7/2011 IN W.P.(C)No.
18063/2011.
- EXHIBIT P5 COPY OF THE GO(MS) NO.31/2012/SWD DATED 30/5/2012 ISSUED BY
THE IST RESPONDENT.
- EXHIBIT P6 COPY OF GO(MS) NO. 58/08/SWD DATED 22//10/2008 ISSUED BY
THE IST RESPONDENT.
- EXHIBIT P7 COPY OF THE ORDER OF THIS COURT DATED 20/4/2012 IN IA NO.
5834/2012 IN W.P.(C)No.6356/2012.

RESPONDENTS EXHIBITS :-

- ANNEXURE R1(a) COPY OF THE GOVERNMENT ORDER NO.31/2012/SWD
DTD.30.5.2012.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.1166 of 2014

Dated this the 11th day of September, 2015

JUDGMENT

This writ petition is filed by the petitioner seeking various reliefs including a writ of mandamus commanding respondents 3 and 4 to follow the seniority of temporary Anganwadi Workers in Ext.P3 list for regular appointment of Anganwadi Workers in Padinjarethara Panchayat since Ext.P3 Seniority List is prepared strictly in accordance with the guidelines stipulated in Exts.P2 and P6 Government Orders.

2. Today when the case was taken up for final hearing, the learned counsel for the petitioner would submit that the petitioner is yet to get regular appointment as Anganavadi worker. The learned counsel would submit further that, the petitioner's claim for regularisation of her appointment as Anganwadi Worker has to be considered by the 4th respondent in view of the judgment of this Court in W.P.(C).No.16481 of 2011 and connected cases dated 24.07.2015. Paragraph 8 of the aforesaid judgment reads thus:

"8. Resultantly, I find that the Government Order G.O.(MS). No.31/2012/SWD dated 30.05.2012, to the extent it cancels the earlier Government Orders, namely, G.O.(MS). No.73/2010/SWD, G.O.(MS).No.77/2010/SWD, G.O.(MS). No.79/2010/SWD and G.O.(MS).No.82/2010/SWD, cannot be legally sustained and accordingly, I quash the same. Considering the period of time that has elapsed on account of the pendency of these writ petitions, and the situation where there are persons, who are included in the seniority lists prepared under various projects in the State, who are awaiting regular appointment to the posts of Anganwadi Workers/Helpers, I direct the Government to take expeditious steps to make appointments to the vacancies in the permanent posts of Anganwadi Workers/Helpers, in accordance with the priority envisaged in the various Government Orders that were cancelled by the Government Order dated 30.05.2012, within a period of four months from the date of receipt of a copy of this judgment."

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

4. The learned Government Pleader submitted that in view of the judgment of this Court in W.P.(C).No.16481 of 2011 and connected cases, the claim made by the petitioner for regularisation

of her appointment as Anganwadi Worker can be considered by the 4th respondent within a time limit that may be fixed by this Court.

In such circumstances, this writ petition is disposed of directing the 4th respondent to consider the claim of the petitioner for regularisation of her appointment as Anganwadi worker in terms of the judgment of this Court dated 24.07.2015 in W.P.(C).No.16481 of 2011 and connected cases.

Sd/-
ANIL K.NARENDRA, JUDGE

skj