

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 6321 of 2012 (M)

PETITIONER(S):

- 1. RAMLA P AGED 29 YEARS
VATTAPPARAMBAN HOUSE, ARINCHEMALA P.O, KANIAMBETTA
WAYANAD DISTRICT.**
- 2. REENA M
ARAKKATHOTTATHIL HOUSE, VARADOOR P.O
WAYANAD DISTRICT.**
- 3. LAKSHMI E
THRINIAMBETTA HOUSE, KARANI, WAYANAD DISTRICT.**

BY ADV. SMT.K.R.KRISHNAKUMARI

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM PIN 695 001.**
- 2. THE DIRECTOR
SOCIAL WELFARE DEPARTMENT
THIRUVANANTHAPURAM. 695 001.**
- 3. THE DISTRICT SOCIAL WELFARE OFFICER,
KALPETTA, WAYANAD DISTRICT PIN 673 121.**
- 4. THE CHILD DEVELOPMENT PROJECT OFFICER
PANAMARAM ICDS PROJECT
WAYANAD DISTRICT PIN 670 721.**

BY ADV. NOUSHAD THOTTATHIL, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1. COPY OF THE G.O(MS)NO.79/2010/SWD DATED 10.11.2010 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P2. COPY OF THE G.O (RT) NO.25/2011/SWD DATED 17.01.2011 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P3. COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS IN KANIMABETTA PANCHAYAT.
- EXHIBIT P4. COPY OF THE SENIORITY LIST OF ANGANWADI HELPERS IN KANIMABETTA PANCHAYAT.
- EXHIBIT P5. COPY OF THE ORDER OF THIS HONOURABLE COURT DATED 20.06.2011 IN WPC NO.16482/2011.
- EXHIBIT P6. COPY OF THE G.O(MS)NO.05/2012/SWD DATED 30.01.2012 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P7. COPY OF THE G.O(MS)NO.58/2008/SWD DATED 22.10.2008 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P7. COPY OF THE CIRCULAR NO.ICDS/B4-25307/10 DATED 21.03.2012 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.6321 of 2012

Dated this the 10th day of September, 2015

JUDGMENT

This writ petition is filed by the petitioners three in number seeking various reliefs including a writ of mandamus commanding respondents 3 and 4 to follow the seniority of temporary Anganwadi Workers & Helpers for regular appointment in Kaniambetta Panchayat strictly in accordance with Exts.P3 and P4 Seniority Lists prepared as per Exts.P1 and P2 Government Orders.

2. Today, when the case was taken up for final hearing, the learned counsel for the petitioners would submit that the 1st petitioner already got regular appointment as Anganwadi Worker and the 3rd petitioner as Anganwadi Helper and they are not having any subsisting grievance. As far as the 2nd petitioner is concerned, she is Rank No.3 in Ext.P3 seniority list of Anganwadi Workers in Kaniambetta Panchayat. Her claim for appointment as Anganwadi Worker on regular basis has to be considered by the 4th respondent in view of the judgment of this

Court in W.P.(C). No.16481/2011 and connected cases dated 24.07.2015. Para 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.16481/2011 and connected cases, the claim made by the 2nd petitioner for regular 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 2nd petitioner for appointment on regular basis as Anganwadi worker in terms of the judgment of this Court dated 24.07.2015 in W.P.(C). No.16481/2011 and connected cases.

JV

SD/-
ANIL K. NARENDRAN,
JUDGE