

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.10114 of 2012 (K)

PETITIONER :

JESSY K.V.,
ANGANWADI WORKER, CENTRE NO.47, EDAKKOMBAM ANGANWADI,
KANIYAMBETTA.P.O.,
RESIDING AT MUNDACKAL HOUSE, VARADOOR.P.O.,
WAYANAD DISTRICT.

BY ADV. SMT.K.R.KRISHNAKUMARI

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR,
SOCIAL WELFARE DEPARTMENT,
THIRUVANANTHAPURAM-695001.
3. THE DISTRICT SOCIAL WELFARE OFFICER,
KALPETTA, WAYANAD DISTRICT-673121.
4. THE CHILD DEVELOPMENT PROJECT OFFICER,
PANAMARAM ICDS PROJECT, WAYANAD DISTRICT-670721.

R4 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:

WP(C).No.10114 of 2012 (K)

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1	TRUE COPY OF THE GO. (MS) NO. 79/2010/SWD DATED 10-11-2010 ISSUED BY THE 1ST RESPONDENT.
EXT.P2	TRUE COPY OF THE G.O. (Rt) NO.25/2011/SWD DATED 17-1-2011 ISSUED BY THE 1ST RESPONDENT.
EXT.P3	TRUE COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS IN KANIAMBETTA PANCHAYAT.
EXT.P4	TRUE COPY OF THE SENIORITY LIST OF ANGANWADI HELPERS IN KANIAMBETTA PANCHAYAT.
EXT.P5	TRUE COPY OF THE ORDER OF THIS HON'BLE COURT DATED 20-6-2011 IN W.P. (C) No.16482/2011.
EXT.P6	TRUE COPY OF THE GO (MS) NO.05/2012/SWD DATED 30-1-2012 ISSUED BY THE 1ST RESPONDENT.
EXT.P7	TRUE COPY OF THE GO (MS) NO.58/2008/SWD DATED 22-10-2008 ISSUED BY THE 1ST RESPONDENT.
EXT.P8	TRUE COPY OF THE CIRCULAR NO.ICDS/B4-25307/10 DATED 21-3-2012 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :-NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.10114 of 2012

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/Helpers for regular appointment in Kaniambetta Panchayat, strictly in accordance with Exts.P3 and P4 seniority lists prepared as per Ext.P1 and P2 Government Orders.

2. By order dated 6.11.2012 this Court passed an interim order directing the 4th respondent to appoint the petitioner as Anganwadi Worker in the resignation vacancy in Centre No.69 (Thamarakolly Anganwadi) under the 4th respondent with effect from 1.11.2012, subject to the result of the Writ Petition.

3. Today when the case was taken up for final hearing the learned counsel for the petitioner would submit that in terms of the interim order passed by this Court the petitioner was given appointment as Anganwadi Worker in Centre No.69 at Thamarakolly

Anganwadi in Kaniambetta Panchayat, subject to the final orders that will be passed by this Court in this Writ Petition. 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."

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

5. 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.16481/2011 and connected cases.

Sd/-
ANIL K.NARENDRAN, JUDGE

skj