

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 15832 of 2011 (D)

PETITIONER(S):

- 1. PREETHA.K,W/O.THULASYDAS,ANGANWADI
WORKER, CENTRE NO.54, CHELAVANIKUNNU ANGANWADI
KOTTATHARA PANCHAYAT, KALPETTA ICDS PROJECT
WAYANAD DISTRICT.**
- 2. GEETHA.P,D/O.SURENDRAN,
ANGANWADI WORKER, CENTRE NO.35, KOTTATHARA PANCHAYAT
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.**
- 3. LEENABAI.M,
ANGANWADI WORKER, CENTRE NO.50, KOTTATHARA PANCHAYAT
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.**
- 4. SREEJA DINESAN,
ANGANWADI WORKER, CENTRE NO.48, KOTTATHARA PANCHAYAT
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.**
- 5. BINDU RAMAN,
ANGANWADI HELPER, CENTRE NO.56, KOTTATHARA PANCHAYAT
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.**
- 6. THEYIKUTTY,
ANGANWADI HELPER, CENTRE NO.39, KOTTATHARA PANCHAYAT
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.**
- 7. PADMASREE.V.V,
ANGANWADI HELPER, CENTRE NO.58, KOTTATHARA PANCHAYAT
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.**
- 8. ANNIE JOSEPH,ANGANWADI HELPER,CENTRE NO.
44, KOTTATHARA PANCHAYAT, KALPETTA ICDS PROJECT
WAYANAD DISTRICT.**
- 9. PREMA.P.V,ANGANWADI HELPER,CENTRE NO.55
KOTTATHARA PANCHAYAT, KALPETTA ICDS PROJECT
WAYANAD DISTRICT.**

10. MEENAKSHI.M.K,MELCHUNDANKODE,
KOTTATHARA, WAYANAD DISTRICT.

11. PADMASREE.P.K,W/O.SREEJITHKUMAR,
PADMANIVAS, MADAKKIMALA, WAYANAD DISTRICT.

BY ADV. SMT.K.R.KRISHNAKUMARI

RESPONDENT(S):

1. STATE OF KERALA,REP.BY ITS SECRETARY TO
GOVERNMENT, SOCIAL WELFARE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN 695 001.

2. THE DIRECTOR ,SOCIAL WELFARE DEPARTMENT,
THIRUVANANTHAPURAM, PIN 695 001.

3. THE DISTRICT SOCIAL WELFARE OFFICER, KALPETTA
WAYANAD DISTRICT - 673 121

4. THE CHILD DEVELOPMENT PROJECT OFFICER,
KALPETTA ICDS PROJECT, WAYANAD DISTRICT.

BY ADV.P.V.ELIAS, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.15832/2011

APPENDIX

PETITIONERS' EXHIBITS:

- P1: COPY OF THE G.O.(MS) NO.79/2010/SWD DATED 10.11.2010 ISSUED BY THE 1ST RESPONDENT**
- P2: COPY OF THE G.O.(MS) NO.25/2011/SWD DATED 17.01.2011 ISSUED BY THE 1ST RESPONDENT**
- P3: COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS IN KOTTATHARA PANCHAYATH DATED 07.01.2011**
- P4: COPY OF THE SENIORITY LIST OF ANGANWADI HELPERS IN KOTTATHARA PANCHAYATH DATED 7.01.2011**
- P5: COPY OF HTE JUDGEMNT OF THSI HON'BLE COURT DATED 05.07.2006 IN WPC NO.889/2006**
- P6: COPY OF THE ORDER OF THIS HON'BLE COURT DATED 15.11.2010 IN WPC NO.34398/2010**

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.15832 of 2011

Dated this the 20th day of August, 2015

JUDGMENT

This writ petition is filed by the petitioners eleven 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 I.C.D.S. Project, Kalpetta strictly in accordance with Exts.P3 and P4 seniority list prepared as per Ext.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 except the 10th and 11th petitioners, all others got regular appointment as Anganwadi Workers/Helpers and they are not having any subsisting grievance. As far as the 10th petitioner is concerned, she is Rank No.7 in Ext.P4 seniority list of Anganwadi Helpers in Kottathara Panchayat. The 11th petitioner is Rank No.7 in Ext.P3 seniority list of Anganwadi Workers in Kottathara Panchayat. Their claim for appointment as Anganwadi Workers/Helpers 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 10th and 11th petitioners for regular appointment as Anganwadi Workers/Helpers 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 10th and 11th petitioners for appointment on regular basis as Anganwadi Worker/Helper 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

JV