

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. 18156 of 2012 (T)

PETITIONER(S):

1. **RAJANI DEVI M.**
EMMAT HOUSE, THEKKAVILA P.O., KOLLAM.
2. **MAYADEVI .P**
CHEMPOTTU VEEDU, AKOLIL CHERRY, KOOTTIKKADA P.O.
KOLLAM.
3. **JOSEPHIN.J**
PUTHENAZHIKAM, THEKKUMBHAGOM, ERAVIPURAM P.O.
KOLLAM.
4. **GIRIJA.P**
CLAVERAVEEDU, THEKKEVILA P.O., KOLLAM.
5. **MINIMOLE.M**
BROTHERS COTTAGE, K.T.N 2794, ERAVIPURAM P.O.
KOLLAM.
6. **SHEEBA KUMARI**
MANKUZHIVADAKKEKKARA, VALATHUNGAL P.O., KOLLAM.
7. **MERY SINDU.F**
ARUN COTTAGE, NEAR ICE PLANT, ERAVIPURAM P.O.
KOLLAM.

BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH
SMT.BINDU GEORGE

RESPONDENT(S):

1. **STATE OF KERALA**
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT
SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.

(CNTD)

2. DIRECTOR OF SOCIAL WELFARE
DIRECTORATE OF SOCIAL WELFARE, VIKAS BHAVAN
THIRUVANANTHAPURAM-695033.
3. DISTRICT SOCIAL WELFARE OFFICER
CIVIL STATION, KOLLAM-691013.
4. INTEGRATE OF CHILD DEVELOPMENT PROJECT OFFICER
OFFICE OF THE CHILD DEVELOPMENT OFFICER
KOLLAM URBAN II, STADIUM COMPLEX, KOLLAM-691013.
5. THE KOLLAM CORPORATION REPRESENTED BY ITS SECRETARY
KOLLAM-691007.

R1-R4 BY SRI V.K.RAFEEQ, GOVERNMENT PLEADER
R5 BY SRI.T.GOPALAKRISHNAN,SC,KOLLAM CORPORAT

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 G.O.NO.31/2012 DATED 30.5.2012 OF THE 1ST RESPONDENT.
- EXHIBIT-P2. COPY OF G.O.NO.35/2006 DATED 11.10.2006.
- EXHIBIT-P3. COPY OF G.O.NO.42/2007 DATED 6.1.2007.
- EXHIBIT-P4. COPY OF G.O.NO.73/2010 DATED 7.10.2010.
- EXHIBIT-P5. COPY OF G.O.77/2010 DATED 3.11.2010.
- EXHIBIT-P6. COPY OF G.O.NO.79/2010 DATED 10.11.2010.
- EXHIBIT-P7. COPY OF ORDER PASSED BY THIS HON'BLE COURT IN W.P.(C)
NO.25614/2009 DATED 15.10.2009.
- EXHIBIT-P8. COPY OF ORDER PASSED BY THIS HON'BLE COURT IN
W.A.NO.1465/2010, 1528/2010 AND CONNECTED CASES DATED
29.9.2010.
- EXHIBIT-P9. COPY OF SENIORITY LIST OF TEMPORARY ANGANWADY WORKERS
OF ERAVIPURAM ZONE OF KOLLAM CORPORATION.
- EXHIBIT-P10. COPY OF G.O.(MS) NO.82/2010 DATED 24.11.2010.

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

PA. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.18156 of 2012

Dated this the 10th day of September, 2015

JUDGMENT

The petitioners have approached this Court seeking a writ of certiorari to quash Ext.P1 and seeking a declaration that Ext.P4 to P6 and P10 are legal and the petitioners are entitled for all the benefits under the same. The petitioners have also sought for a writ of mandamus commanding the respondents to give the benefit of Ext.P6 Government Order and appoint them as Anganwadi Worker based on Ext.P9 seniority list.

2. On 02.08.2015, this Court passed the following order:

"The learned counsel for the petitioners submits that the petitioners are temporarily working as on today. If that is correct, the petitioners shall not be disengaged without getting orders from this Court."

3. Today, when the case was taken up for further consideration, the learned counsel for the petitioners would submit that on the strength of the above interim order the petitioners are continuing as temporary Anganwadi Workers. The petitioners are Rank Nos.10,11,6,12, 8, 4 and 3 respectively

in Ext.P3 seniority list of Anganwadi Workers of Eravipuram Zone of Kollam Corporation and their 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."

4. I heard the arguments of the learned counsel for the petitioners, learned Government Pleader appearing for respondents 1 to 4 and also the learned Standing Counsel

appearing for the 5th respondent Corporation.

5. 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 petitioners 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 petitioners 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.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV