

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. 18521 of 2012 (M)

PETITIONER(S):

**S.JAYASREE AGED 42 YEARS
W/O.SUDHENDRA BABU, KARTHIKA, PAYANAM P.O.
KOLLAM (ANGANWADY WORKER, ANGANWADY NO.55
PANAYAM PANCHAYATH, ANCHALUMMOODU ICDS PROJECT)**

**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.**
- 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
ICDS PROJECT, ANCHALUMMOODU, PERINADU P.O.
KOLLAM-691601**
- 5. THE PANAYAM GRAMA PANCHAYATH,
PANAYAM P.O.
KOLLAM-691601 REPRESENTED BY ITS SECRETARY.**
- 6. CHITTUMALA BLOCK PANCHAYATH,
CHITTUMALA P.O., KOLLAM-691502
REPRESENTED BY ITS SECRETARY.**

**R5 BY ADV. SRI.M.T.SURESHKUMAR
R1-R4 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

PETITIONER'S 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 WP(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 PANAYAM PANCHAYATH UNDER CHITTUMALA BLOCK PANCHAYATH
- EXHIBIT P10: COPY OF G.O.(MS)NO.82/2010 DATED 24.11.2010

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.18521 of 2012

Dated this the 10th day of September, 2015

JUDGMENT

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

2. By order dated 07.08.2012, this Court passed an interim order to the effect that if the petitioner is working as on that day, her services shall not be terminated.

3. Today, when the case was taken up for further consideration, the learned counsel for the petitioner would submit that, on the strength interim order granted by this Court, the petitioner is working as Anganwadi Worker in Kollam District, on temporary basis. The petitioner is Rank No.5 in Ext.P9 seniority list of Anganwadi Workers of Panayam

Panchayat and 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."

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

SD/-
ANIL K. NARENDRAN,
JUDGE

JV