

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. 18063 of 2011 (G)

PETITIONER(S):

1. SAIDA P. , ANGANWADI WORKER
CENTRE NO.123,VYTHIRI PANCHAYAT,
VYTHIRI ICDS PROJECT, WAYANAD DISTRICT
RESIDING AT CHANIYAN HOUSE, KOLICHAL, SUGANDHAGIRI.P.O
WAYANAD DISTRICT.
2. AJITHAKUMARI, ANGANWADI WORKER,
CENTRE NO.132, VYTHIRI ICDS PROJECT, WAYANAD DISTRICT
RESIDING AT SREENILAYAM, KUNATHUVAYAL, VYTHIRI.P.O
WAYANAD DISTRICT.
3. VASANTHAKUMARI.K,
ANGANWADI HELPER, CENTRE NO.130, VYTHIRI PANCHAYATH
VYTHIRI ICDS PROJECT, WAYANAD PROJECT
RESIDING AT NELLIKAMKANDIYIL HOUSE, VATTAPARA
WAYANAD DISTRICT.
4. GIRIJA GANGHADHARAN,
ANGANWADI HELPER, CENTRE NO.127, VYTHIRI PANCHAYATH
VYTHIRI ICDS PROJECT, WAYANAD PROJECT
RESIDING AT KARINGATTINMEL, CHUNDEL.P.O, VYTHIRI
WAYANAD DISTRICT.
5. MUMTHAZ,
ANGANWADI HELPER, CENTRE NO.128, VYTHIRI PANCHAYATH
VYTHIRI ICDS PROJECT, WAYANAD DISTRICT
RESIDING AT PUTHENPARAMBIL, HOUSE, CHUNDEL
WAYANAD DISTRICT.
6. SAIBOONA,
ANGANWADI HELPER, CENTRE NO.117, VYTHIRI ICDS PROJECT
WAYANAD DISTRICT, RESIDING AT MANGADAN HOUSE
NARANGAKUNNU.P.O, WAYANAD DISTRICT.
7. SAJITHA.K,
ANGANWADI HELPER, CENTRE NO.126, VYTHIRI PANCHAYATH
VYTHIRI ICDS PROJECT, WAYANAD DISTRICT
RESIDING AT KALARIKKAL HOUSE, 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 - 695 001.
2. THE DIRECTOR,
SOCIAL WELFARE DEPARTMENT
THIRUVANANTHAPRUAM - 695 001.
3. THE DISTRICT SOCIAL WELFARE OFFICER,
KALPETTA, WAYANAD - 673 121.
4. THE CHILD DEVELOPMENT PROJECT OFFICER,
VYTHIRI ICDS PROJECT, WAYANAD - 673 576.

R1 TO R4 BY ADV. SOJAN JAMES, SENIOR GOVERNMENT PLEADER

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

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 VYTHIRI PANCHAYATH
- P4: COPY OF THE SENIORITY LIST OF ANGANWADI HELPERS IN VYTHIRI PANCHAYATH
- 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 13.06.2011 IN WPC NO.15832/2011
- P7: COPY OF THE ORDER NO.A1-36/2011 DATED 28.11.2011 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDHAN, J.

W.P.(C) No.18063 of 2011

Dated this the 20th day of August, 2015

JUDGMENT

This writ petition is filed by the petitioners seven 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 Vythiri Panchayat in I.C.D.S. Project, Vythiri 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 2nd petitioner, all others got regular appointment as Anganwadi Workers/Helpers and they are not having any subsisting grievance. As far as the 2nd petitioner is concerned, she is Rank No.2 in Ext.P3 seniority list of Anganwadi Workers in Vythiri Panchayat. In Ext.P7 proceedings dated 28.11.2011 of the 4th respondent, it was ordered that the claim of the petitioners for regular appointment can be considered in the next arising

vacancy. 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 and in the light of Ext.P7 order dated 28.11.2011 of the 4th respondent, produced alongwith I.A.No.10815/2015.

JV

SD/-
ANIL K. NARENDRA,
JUDGE