

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. 21670 of 2011 (G)

PETITIONER(S):

1. VIJAYAKUMARI N.A., ANGAWADI WORKER,
CENTRE NO.86, SULTHAN BATHER ICDS PROJECT
MEENANGADI PANCHAYATH, WAYANAD DISTRICT
RESIDING AT ARAVINDAPURI HOUSE, MYLAMBADI P.O.
MEENANGADI, WAYANAD DISTRICT.
2. SHEEBA C.K., KOLARI HOUSE,
ADICHILADI P.O., WAYANAD DISTRICT.
3. RAMLA T.K.,ANGAWADI WORKER,
CENTRE NO.105, SULTHAN BATHER ICDS PROJECT
MEENANGADI PANCHAYATH, WAYANAD DISTRICT
RESIDING AT THOTTEKADAN HOUSE, KAKKAVAYAL P.O.
WAYANAD DISTRICT.
4. SANTHAKUMARI M.P., KURIKAPRAMBIL HOUSE,
MYLAMBADI P.O., WAYANAD DISTRICT.
5. BINCY C.G.,ANGAWADI WORKER,
CENTRE NO.101, SULTHAN BATHER ICDS PROJECT
MEENANGADI PANCHAYATH, WAYANAD DISTRICT
RESIDING AT MUTHUKULAM HOUSE, MEENANGADI P.O.
WAYANAD DISTRICT
6. SALOMI E.P.,ANGAWADI HELPER,
CENTRE NO.104, SULTHAN BATHERY ICDS PROJECT
MEENANGADI PANCHAYATH, WAYANAD DISTRICT
RESIDING AT NADUVELIVEETIL HOUSE, MEENANGADI P.O.
WAYANAD DISTRICT
7. GOURI RAVEENDRA,ANGAWADI HELPER,
CENTRE NO.101, SULTHAN BATHERY ICDS PROJECT
MEENANGADI PANCHAYATH, WAYANAD DISTRICT
RESIDING AT THAZATHUVAYAL COLONY, THUMBALARI P.O.
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
THIRUVANANTHAPURAM-695 001.
3. THE DISTRICT SOCIAL WELFARE OFFICER,
KALPETTA, WAYANAD DISTRICT, PIN-673 121.
4. THE CHILD DEVELOPMENT PROJECT OFFICER,
ICDS PROJECT, SULTHAN BATTERY, WAYANAD DISTRICT
PIN-673 592.

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:

WP(C).No. 21670 of 2011 (G)

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 HTE ORDER OF THIS HONOURABLE COURT DATED 12.07.2011 IN
WPC NO.18063/2011**

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.21670 of 2011

Dated this the 20th day of August, 2015

JUDGMENT

This writ petition is filed by the petitioners twelve 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 Meenangadi Panchayat in I.C.D.S. Project, Sultan Bathery strictly in accordance with 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 7th petitioner, all others got regular appointment as Anganwadi Workers/Helpers and they are not having any subsisting grievance. As far as the 7th petitioner are concerned, they are Rank No.14 in seniority list of Anganwadi Helpers in Meenangadi Panchayat. Her claim for appointment as Anganwadi Helper 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 7th petitioner for regular appointment as Anganwadi Helper 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 7th 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.

JV

SD/-
ANIL K. NARENDRA,
JUDGE