

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No. 21783 of 2011 (W)

PETITIONER(S):

1. SOBHANA D, ANGAWADI WORKER,
CENTRE NO.7, AMBALAVAYAL ICDS PROJECT
AMBALAVAYAL PANCHAYATH, WAYANAD DISTRICT
RESIDING AT VATTAMATATHIL HOUSE, NARIKUNDU P.O.
ANAPPARA, WAYANAD DISTRICT.
2. BEENA MATHEW,ANGAWADI WORKER,
CENTRE NO.8, AMBALAVAYAL ICDS PROJECT
RESIDING AT ERATHU HOUSE, KALATHUVAYAL P.O.
WAYANAD DISTRICT.
3. NASEEMA K.M, ANGAWADI WORKER,
CENTRE NO.36, AMBALAVAYAL ICDS PROJECT
AMBALAVAYAL PANCHAYATH, WAYANAD DISTRICT
RESIDING AT PULICKAL HOUSE, NARIKUNDU P.O.
WAYANAD DISTRICT.
4. MERCY K.G.,ARAYANICKAL,
KOTTARAKUNNU P.O., WAYANAD DISTRICT.
5. SADHUNI M.P., PUTHENPURACKAL HOUSE,
KARADIPARA P.O., WAYANAD DISTRICT.
6. BINISHA M.,ANGAWADI WORKER,
CENTRE NO.34, AMBALAVAYAL ICDS PROJECT
AMBALAVAYAL PANCHAYATH, WAYANAD DISTRICT
RESIDING AT MECHERIL HOUSE, KARADIPARA
WAYANAD DISTRICT.
7. USHA C.K., KOLLAYATH HOUSE,
KULATHUVAYAL P.O., WAYANAD DISTRICT.
8. LISSY N.K, PADIKALATH HOUSE,
KKULATHUVAYAL P.O., WAYANAD DISTRICT.
9. NISHA K.T.,ANGAWADI HELPER,
CENTRE NO.36, AMBALAVAYAL ICDS PROJECT
AMBALAVAYAL PANCHAYATH, WAYANAD DISTRICT
RESIDING AT THUNNIVOYAL HOUSE, AMBALAVAYAL P.O
WAYANAD DISTRICT.

10. MARY K, PARIMALAM HOUSE, ANDOOR,
AMBALAVAYAL P.O, WAYANAD DISTRICT.
11. ANILA V.K, EDUVATTIL HOUSE,
ANAPPARA, KARADIPARA P.O., WAYANAD DISTRICT.
12. PRASEETHA K.A, ANGANWADI HELPER,
CENTRE NO.34, AMBALAVAYAL ICDS PROJECT
AMBALAVAYAL PANCHAYATH, WAYANAD DISTRICT
RESIDING AT NIRAVATH HOUSE, AMBALAVAYAL P.O
WAYANAD DISTRICT.

BY ADV. SMT.K.R.KRISHNAKUMARI

RESPONDENT(S)/RESPONDENTS.:

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-673 121.
4. THE CHILD DEVELOPMENT PROJECT OFFICER,
ICDS PROJECT, AMBALAVAYAL, WAYANAD DISTRICT - 673 593

R1-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:

WP(C).No. 21783 of 2011 (W)

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 ORDER OF THIS HON'BLE COURT DATED 12.07.2011 IN WPC
NO.18063/2011

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDHAN, J.

W.P.(C) No.21783 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 Ambalavayal Panchayat 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 and 8th petitioners, all others got regular appointment as Anganwadi Workers/Helpers and they are not having any subsisting grievance. As far as the 7th and 8th petitioners are concerned, they are Rank No.11 and 12 in seniority list of Anganwadi Workers in Ambalavayal Panchayat. Their claim for appointment as Anganwadi Workers 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 and 8th petitioners for regular appointment as Anganwadi Workers 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 and 8th petitioners for appointment on regular basis as Anganwadi workers 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