

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. 21849 of 2013 (E)

PETITIONER(S):

1. **SHINY O.A.**
W/O.M.P.THANKACHAN, RESIDING AT MANNATHANE HOUSE
NARIKUNDU P.O., AMBALAVAYAL, WAYANAD DISTRICT.
 2. **ALEYAMMA.T.V.**
ANGANWADI HELPER, CENTRE NO.36
AMBALAVAYAL ICDS PROJECT, AMBALAVAYAL PANCHAYAT
RESIDING AT MALAYIL PUTHENPURAYIL, AYIRAMKOLLI
AMBALAVAYAL P.O., WAYANAD DISTRICT-673593.
 3. **ALPHONSA.D**
W/O.P.U.DEVASSI, RESIDING AT POOKKOTTIL HOUSE
KALATHUVAYAL P.O., WAYANAD DISTRICT-673593.
- BY ADVS.SMT.K.R.KRISHNAKUMARI**
SMT.P.V.RADHAMANI

RESPONDENT(S):

1. **STATE OF KERALA**
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN 695001.
 2. **THE DIRECTOR**
SOCIAL JUSTICE DEPARTMENT, THIRUVANANTHAPURAM
PIN 695001.
 3. **THE DISTRICT SOCIAL WELFARE OFFICER**
KALPETTA, WAYANAD DISTRICT, PIN 673121.
 4. **THE CHILD DEVELOPMENT PROJECT OFFICER**
ICDS PROJECT, AMBALAVAYAL, WAYANAD DISTRICT
PIN 673593.
- 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:**

WP(C).No. 21849 of 2013 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: COPY OF THE G.O.(MS) NO.79/2010/SWD DATED 10.11.2010 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P2: COPY OF THE G.O.(MS) NO.35/2006/SWD DATED 11.10.2006 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P3: COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS IN AMBALAVAYAL PANCHAYAT.
- EXHIBIT-P4: COPY OF THE SENIORITY LIST OF ANGANWADI HELPERS IN AMBALAVAYAL PANCHAYAT.
- EXHIBIT-P5: COPY OF THE ORDER OF THIS HON'BLE COURT DATED 12.07.2011 IN W.P.(C) NO.18063/2011.
- EXHIBIT-P6: COPY OF THE G.O.(MS) NO.31/2012/SWD DATED 30.05.2012 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P7: COPY OF THE G.O.(MS) NO.58/08/SWD DATED 22.10.2008 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT-P6: COPY OF THE ORDER OF THIS HON'BLE COURT DATED 20.04.2012 IN I.A.NO.5834 OF 2012 IN WPC NO.6356/2012

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.21849 of 2013

Dated this the 10th day of September, 2015

JUDGMENT

This writ petition is filed by the petitioners 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 Exts.P3 and P4 seniority lists 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 as stated in the affidavit accompanying I.A.No.16780/2013, there are vacancies of Anganwadi Workers/Helpers in Ambalavayal Panchayat, in which the claim made by the petitioners for regular appointment can be considered. The 1st petitioner is Rank No.12 in Ext.P3 seniority list of Anganwadi Workers in Ambalavayal Panchayat. Petitioners 2 and 3 are Rank Nos.20 and 22 respectively in Ext.P4 seniority list of Anganwadi Helpers in Ambalavayal Panchayat. Their claim for appointment as

Anganwadi Worker/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 petitioners for regular appointment as Anganwadi Worker/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 petitioners for appointment on regular basis as Anganwadi worker/helper 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