

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 23053 of 2015 (F)

PETITIONER(S):

**SUSEELA AGED 38 YEARS
D/O.RAJAMMA, KUZHIYKATHARAPADINJATATHIL, THEVALAKARA
PALAKKAL, KOLLAM DISTRICT.**

BY ADV. SMT.G.VIDYA

RESPONDENT(S):

- 1. THE DIRECTOR
SOCIAL WELFARE DEPARTMENT, THIRUVANANTHAPURAM
PIN-695 001.**
- 2. THE DISTRICT SOCIAL WELFARE OFFICER,
OFFICE OF THE DISTRICT SOCIAL WELFARE
KOLLAM DISTRICT, PIN-693 001.**
- 3. THE ICDS OFFICER/PROJECT OFFICER,
THEVALAKKARA, CHAVARA, KOLLAM DISTRICT
PIN-693 232.**

BY ADV.VIJU THOMAS, SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 23053 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE EXPERIENCE CERTIFICATE DATED 22-8-2011.

P2 : COPY OF THE REPRESENTATION DATED 1-6-2015.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDHAN, J.

W.P.(C) No.23053 of 2015

Dated this the 08th day of October, 2015

JUDGMENT

The petitioner, who had worked as Anganwadi Worker under the 3rd respondent on temporary basis, has filed this writ petition seeking a writ of mandamus commanding the respondents to appoint her in the permanent vacancy and to report the existing vacancies and regularize her service. The petitioner has also sought for a writ of mandamus commanding the respondents to consider and pass orders on Ext.P2 representation and appoint her in the permanent vacancy on the basis of Ext.P1 experience certificate.

2. A statement has been filed on behalf of the 3rd respondent stating that the petitioner was not included in the seniority list of Anganwadi Worker/Helper which was prepared from those who have worked for six months or more as on 31.10.2010, in terms of G.O.(MS) No.79/2010/SWD dated 10.11.2010. The petitioner was not included in the seniority list for the reason that she had worked only for 65 days in the year

2009-10. The 3rd respondent has also stated that Anganwadi Workers/Helpers can continue their work only for 179 days or till a permanent Worker/Helper joins duty. In the counter affidavit it has also been stated that, the vacancies of Anganwadi Worker/Helper in the ICDS can be permanently filled up only through a selection process as per Government norms and directions of the Director of Social Justice Department. Applications were invited for filling the vacancies of Anganwadi Worker/Helper for all the ICDS projects, but the selection procedure could not be completed due to the stay order in W.P.(C). No.17203/2012 and connected matters, which was later disposed of by judgment dated 24.07.2015.

3. I heard arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

4. The issue raised in this writ petition is covered by judgment of this Court dated 24.07.2015 in W.P.(C). No.16481/2011 and connected cases. Paragraph 8 of the 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."

5. Therefore, regularization of the petitioner as Anganwadi Worker can be considered only in terms of the Government Orders referred to above and also the judgment of this Court in W.P.(C). No.16481/2011 and connected cases.

6. Going by the pleadings on record, the petitioner had worked only for 65 days in the year 2009-10 and it was in such circumstances, her name was excluded from the seniority list of Anganwadi Worker/Helper in respect of Centre No.51 of

Thevalakkara Grama Panchayat. In such circumstances, the petitioner cannot claim appointment against any permanent vacancy or seek regularization of service.

Therefore, I find absolutely no merit in the writ petition and the same is dismissed. No order as to costs.

JV

sd/-
ANIL K. NARENDRA,
JUDGE