

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 23281 of 2014 (I)

PETITIONERS :

1. AMUTHA, AGED 33 YEARS,
D/O.SANNASI, 241 /5 KUMMITTANKUZHI,
MARAYOOR, PIN 685 620.
2. BINDU CHERIYAN, AGED 38 YEARS,
W/O.JUSTINE, VATTAVAYALIL, SAHAYAGIRI P.O.,
MARAYOOR PIN 685 620.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY SOCIAL WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM 695 001.
2. DISTRICT COLLECTOR,
IDUKKI DISTRICT, KUYILIMALA PAINAVU 685 603.
3. DIRECTOR OF SOCIAL WELFARE, 5TH FLOOR,VIKAS BHAVAN,
THIRUVANANTHAPURAM 695 001.
4. DISTRICT SOCIAL WELFARE OFFICER,IDUKKI DISTRICT,IDUKKI 685 602.
5. PROJECT OFFICER, I.C.D.S., DEVIKULAM BLOCK,DEVIKULAM 685 613.
6. SECRETARY,
MARAYOOR GRAMA PANCHAYAT, MARAYOOR 685 601.

R6 BY ADV. SRI.GEORGE JACOB (JOSE)
BY SR. GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT P1 A COPY OF LIST OF ANGANVADI WORKERS WHO HAVE SERVED FOR 6 MONTHS OR ABOVE ON PROVISIONAL BASIS IN THE PROJECTS UNDER MARAYOOR GRAMA PANCHAYAT UPTO 31-10-2010.

EXHIBIT P2 A COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER DATED 14-08-2014.

EXHIBIT P3 A COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER DATED 14-08-2014.

RESPONDENTS' EXHIBITS :-

EXT.R5(a) COPY OF GO(MS)5/12/SWD DTD.30.1.2012.

EXT.R5(b) COPY OF THE CIRCULAR NO.ICDS/B4-25307/2010 DTD.19.12.2013.

EXT.R5(c) COPY OF THE INTERIM ORDER DTD.16.5.2014 IN W.P.(C)No.17203/12 & CONNECTED CASES.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.23281 of 2014

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioners, who are rank Nos.11 and 18 in Ext.P1 seniority list of Anganwadi Workers in Marayoor Grama Panchayat, have filed this writ petition seeking a writ of mandamus commanding the respondents to appoint them in the vacancies of Anganwadi Workers based on Ext.P1 seniority list.

2. Today when the case was taken up for final hearing it was brought to my notice that, a learned Judge of this Court in judgment dated 24.7.2015 in W.P.(C).No.16481 of 2011 and connected cases considered the question of regular appointment of Anganwadi Workers/Anganwadi Helpers. Paragraph 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 petitioners and also the learned Government Pleader appearing for the respondents.

4. In view of the judgment of this Court referred to above, this Writ Petition is disposed of directing the 5th respondent to consider the claim of the petitioners for regular appointment as Anganwadi Workers based on their seniority in Ext.P1 seniority list. A decision in this regard shall be taken by the said respondent as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a certified copy of this judgment.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj