

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. 32070 of 2014 (G)

PETITIONER(S):

**ANASOOYA.K.K, AGED 46 YEARS
ANGANWADI WORKER, CENTRE NO.11 (OLD NO.33)
MANGAD PUSPHA ANGANWADI, ERUMAPETTY PANCHAYAT
WADAKANCHERRY ICDS PROJECT, THRISSUR DISTRICT.**

**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,
THRISSUR DISTRICT, PIN-680001.**
- 4. THE CHILD DEVELOPMENT PROJECT OFFICER,
WADAKANCHERRY ICDS PROJECT, THRISSUR DISTRICT
PIN-680582.**

BY SRI V.K. RAFEEQ, GOVERNMENT PLEADER

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

WP(C).No. 32070 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE PHOTOGRAPH OF MEMORABILIA FIXED IN THE BUILDING OF ANGANWADI CENTRE NO.11 (OLD NO.33) ON 30.05.2005 WITH ENGLISH TRANSLATION.**
- P2: COPY OF THE ORDER OF THIS HON'BLE COURT DATED 15.11.2010 IN WPC.NO.34398 OF 2010.**
- P3: COPY OF THE ORDER OF THIS HON'BLE COURT DATED 30.11.2010 IN WPC.NO.34398 OF 2010.**
- P4: COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 9.7.2014 IN WPC.NO.34398 OF 2010.**
- P5: COPY OF THE ARGUMENT NOTES SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 29.10.2014.**
- P6: COPY OF LETTER NO.12137/B2/2014/SJD DATED 18.11.2014 ISSUED BY THE 1ST RESPONDENT.**

P6(A): TRUE TRANSLATION OF EXHIBIT P6.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.32070 of 2014

Dated this the 23rd day of September, 2015

JUDGMENT

The petitioner, who is Rank No.9 in the seniority list of Anganwadi Workers in Erumappetty Grama Panchayat under the Wadakanchery ICDS Project, has approached this Court in this writ petition seeking a writ of certiorari to quash Ext.P6 and seeking a writ of mandamus commanding the respondents to regularize her in the existing vacancy of Anganwadi Worker in Centre No.11 (Old No.33) in Erumappetty Grama Panchayat under the ICDS Project, Wadakanchery.

2. On 01.12.2014, this Court passed the following order:

“The petitioner is said to have secured 9th position as has been reflected in the rank list and that she is bound to be appointed in a clear vacancy which is existing. Apprehending that in the meanwhile her services may be terminated, the petitioner filed the present writ petition.

Since this Court has not approved the practice of replacing one temporary hand with another, there shall be an interim direction to the respondent authorities to continue the petitioner in service so long as the vacancy is not filled by a candidate from the rank list. In other

words, the petitioner shall not be replaced by another temporary hand.”

3. Today, when the case was taken up for final hearing, the learned counsel for the petitioner would submit that on the strength of the interim order granted by this Court, the petitioner is continuing as a temporary hand in a regular vacancy of Anganwadi Worker in Centre No.11 (Old No.33) in Erumappetty Grama Panchayat under the ICDS Project, Wadakanchery.

4. The learned Government Pleader on instructions would submit that Rank No.8 in the seniority list of Anganwadi Workers in Erumappetty Grama Panchayat under the Wadakanchery ICDS Project, namely, Smt. Seemanthini N.K. has already got regular appointment as Post Woman under the Department of Posts and as such she had relinquished her claim for appointment to the post of Anganwadi Worker. In such circumstances, the petitioner herein can be given regular appointment as Anganwadi Worker in Centre No.11 (Old No.33) in Erumappetty Panchayat under the ICDS Project, Wadakanchery.

In view of the above submission made by the learned Government Pleader, this writ petition is disposed of directing

the 4th respondent to give regular appointment to the petitioner as Anganwadi Worker in Centre No.11 (Old No.33) in Erumappetty Panchayat under the ICDS Project, Wadakanchery. An order in this regard shall be passed as expeditiously as possible at any rate within a period of two weeks from the date of receipt of a certified copy of this judgment.

JV

SD/-
ANIL K. NARENDRA,
JUDGE