

Sindhu K.a. vs the State of Kerala

Sindhu K.a. vs the State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/6860/2014

Appellant : Sindhu K.a.

Respondent : The State of Kerala

Judgement :

WP(C) NO. 17529 OF 2014 & CONN. CASES 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 WP(C) NO. 17529 OF 2014 PETITIONER/S: 1 SUNITHA K
W/O.VIKRAMAN, KARYAMVATTATH HOUSE, KAIPAMANGALAM
POST, THRISSUR, PIN-680681. 2 JANCY.K.V. W/O.RAPHEAL,
KATTIKADAN (H), KAIPAMANGALAM BEACH P.O., THRISSUR
DISTRICT. BY ADV SRI.K.I.SAGEER RESPONDENT/S:

1 SECRETARY TO GOVERNMENT HEALTH AND FAMILY WELFARE (FW) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE SECRETARY TO GOVERNMENT LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001. 3 THE STATE MISSION DIRECTOR NATIONAL RURAL HEALTH MISSION, THIRUVANANTHAPURAM- 695001. OTHER PRESENT: SRI BIJOY CHANDRAN, SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, ALONG WITH WP(C).6860/2014, 9005/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 17529 OF 2014 & CONN. CASES 2

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945 WP(C) NO. 6860 OF 2014 PETITIONER/S: 1 SINDHU K.A. KAROTTUPUTHANPURAYIL HOUSE, INJATHOTTI P.O., KOTHAMANGALAM. 2 MARIAM SOLY V.T ACHARUPARAMBIL HOUSE, MUNAMBAM, ERNAKULAM 3 RADHIKA SATHEESH D/O.SUKUMARAN, KALARICKAL HOUSE, CHERAI, PALLIPURAM. 4 BINI K.M AGED 38 YEARS KAKKATTUKUDY, KOTTAPADY P.O. BY ADV SMT.MARY BEENA JOSEPH RESPONDENT/S: 1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, THIRUVANATHAPURAM.

2 THE STATE MISSION DIRECTOR NATIONAL RURAL HEALTH MISSION, THIRUVANANTHAPURAM. 3 THE DISTRICT PROJECT MANAGER NATIONAL RURAL HEALTH MISSION, ERNAKULAM. BY ADVS. M.AJAY M.AJAY SC GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, ALONG WITH WP(C).17529/2014 AND CONNECTED

CASES, THE WP(C) NO. 17529 OF 2014 & CONN. CASES 3 COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 17529 OF 2014 & CONN. CASES 4

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 WP(C) NO. 9005 OF 2014

PETITIONER/S: 1 RADHIKA P.P. VAZHINADAKKAL HOUSE,
METHALA P O, PARAMBIKULANGARA - 2 SATHYABHAMA K V
PURATHRI HOUSE, KATIYALAM, EDAVILANGU, KODUNGALLUR- 3
PRASANNA P K KARINATT HOUSE, PARAPPULLY BAZAR,
KODUNGALLUR P O, 4 REEREKHA K B AYYANCHIRA HOUSE,
KARANCHIRA P O, KATTOOR-680702 5 SHEEBA VIJAYAN
KALLAZHIKUNDIL HOUSE,ATTOOR P O, WADAKKANCHERY 6
RAMA M N EATHUPADAM HOUSE, VELLOPADAM P O,
VARANTHRAPILLY- 7 CHANDHINI CC VALATH HOUSE, KANNOTH P
O, VENKITANGU 8 USHA I K NAMBIYATH HOUSE, PERUVALLUR P
O, MULLASSERY 9 MALLIKA K R NAMBIYATH HOSUE,
PERUVALLUR P O, MULLASSERY 10 MALLIKA K R WP(C) NO. 17529
OF 2014 & CONN. CASES 5 THRVARPURAKKAL HOUSE,
CHENTHRAPPINNI P O 11 RATHI P K PAREKKATT HOUSE,
KIZHAKKUMURI P O, PERINTOTTUKARA 12 SHEELA V K NEDUMBIL
HOUSE, ENAMKKAL P O, VENKIDENGU PANCHAYATH 13 GEETHA
V R PANAMUKKATH HOUSE, VELUTHUR P O, THRISSUR-680012 14
SHEEJA THANISSERY, PANNITHADAM P O, CHIRAMANGADE
VIA,THRISSUR-680604 15 SUDHA A B MOOVASSERY HOUSE,
PERINGOTTUKARA P O, THANNIAM 16 SINDHU T T
VALIYAPARAMBIL, SREENARAYANAPURAM, PANANGAD P O, 17
PARVATHY P K PULICHERY HOUSE, ATHANI P O, UDAYANAGAR,
THRISSUR 18 VALSALA M K PDIKKALPURAKKAL HOUSE,
THAYOOR POST, PAZHAVOOR, THRISSUR-680584 19 VANAJA A S

POTTAKKARAN HOUSE, GANDHINAGAR, KOODAPUZHA, CHALAKKUDI P O, 20 OMANA A S MANGALI HOUSE, KANDASSMKADAV, KANALLOOR, 21 SAJINI A S VATHEKADAN HOUSE, VATTEKAD, KANAKAMALA P O, PIN-680689 22 ALEEMA P I KOLLIKKATHARA VEEDU, ARAKULAM WEST, KODUNGALLUR-680664 WP(C) NO. 17529 OF 2014 & CONN. CASES 6 23 SHAILAJA VIJAYAKUMAR CHAMBILY HOUSE, EDAPPALAM, PATTIKKAD P O, THRISSUR- 24 JAYA T P PUTHEZHATH HOUSE, METHALA P O, KODUNGALLUR-680669 25 SASIKALA KK CHOZHIPARAMBIL HOUSE, VALAPPAD POST, THRIIPRAYAR, THRISSUR-680567 26 YAMUNA V R ANILKUNNATH HOUSE, ALAPPAD P O, THRISSUR-680641 27 KARUNAVATHY K S VALATH HOUSE, THALIKULAM P O, THRISSUR-680569 28 AJITHA M V KUNNATHUPARAMBIL, MUPLIYA P O, VELLARAMKUNNU-680312 29 DOLLY E J EDATHAT HOUSE, CHENGALLOOR P O, PUTHUKKAD, 30 SAJI AR KARAYAMPULLY HOUSE, CHENGALLOOR P O, SOORYAGRAMAM, PUTHUKKAD, 31 SRALAKUMARY M ANGALLOOR HOUSE, MAYANUR POST, WADAKKANCHERY VIA, THRISSUR-679105 32 SARASWATHY V P THEKKINKADU COLONY, SOUTH KONDAZHY POST, THRISSUR- 33 RAJESWARY C M PUTHENVEETIL HOUSE, MAYANNUR POST , WADAKKANCHERY VIA THRISSUR-679105 34 THARA P R CHERAMPARABIL HOUSE, EDAKKULAM P O, IRINJALAKKUDA WP(C) NO. 17529 OF 2014 & CONN. CASES 7 35 SINDHU BIJU VADAKKE VEETIL, KUZHOOR P O 36 SINDHU V M VELLIKKUNNU VEEDU, KUTTANCHERI P O, ERUMAPPETTY 37 RAJANI T V NELLIKKUNNU VEEDU, KUTTANCHERI P O, ERUMAPETTY BY ADVS. SRI.M.RAJAGOPALAN NAIR SRI.G.BIJU RESPONDENT/S:

1 SECRETARY TO GOVERNMENT HEALTH AND FAMLY WELFARE (FW)DEPARTMENT ,GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001 2 THE SECRETARY TO GOVERNMENT LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001 3

THE STATE MISSION DIRECTOR NATIONAL RURAL HEALTH MISSION, THIRUVANANTHAPURAM- BY ADV GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.02.2024, ALONG WITH WP(C).17529/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 17529 OF 2014 & CONN. CASES 8

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 WP(C) NO. 12355 OF 2014 PETITIONER/S: MINI K @ MINI
MANIKANDAN AGED 42 YEARS KOCHUKALEECKAL, SRP MARKET
P.O., THAZHAVA - 690 539, KARUNAGAPPALLY, KOLLAM, ASHA
WORKER, GOVT. PRIMARY HEALTH CENTRE, THAZHAVA. BY ADV
SRI.P.BIJIMON RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, THIRUVANANTHAPURAM - 695 001. 2 THE
SECRETARY TO LOCAL SELF GOVERNMENT DEPARTMENT
THIRUVANANTHAPURAM - 695 001. 3 THE STATE MISSION
DIRECTOR AROGYA KERALAM, NATIONAL RURAL HEALTH
MISSION, THIRUVANANTHAPURAM - 695 001.

4 DIRECTOR OF HEALTH SERVICE GENERAL HOSPITAL
JUNCTION, THIRUVANANTHAPURAM - 695 001. 5 THE DISTRICT
PROGRAMME MANAGER AROGYA KERALA, KOLLAM - 691 001. BY
ADVS. GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 29.02.2024, ALONG WITH
WP(C).17529/2014 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 17529 OF
2014 & CONN. CASES 9

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 WP(C) NO. 14169 OF 2014 PETITIONER/S: 1 RAMANI.K.P
W/O.SURESH,ADIPARAMBIL HOUSE,MATHILAKAM
POST,THRISSUR- 680685. 2 BINDU.K.V AGED 40 YEARS W/O.REJI
SANKAR.T.S,THERVEETIL HOUSE,PERINJANAM POST,THRISSUR-
680686. BY ADVS. SRI.T.B.HOOD SMT.M.ISHA

RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,HEALTH AND FAMILY
WELFARE(FW)DEPARTMENT,SECRETARIAT,THIRUVANANTHAPURAM-
695001. 2 THE SECRETARY TO GOVERNMENT HEALTH AND
FAMILY

WELFARE(FW)DEPARTMENT,SECRETARIAT,THIRUVANANTHAPURAM-
695001. 3 THE STATE MISSION DIRECTOR NATIONAL RURAL
HEALTH MISSION,THIRUVANANTHAPURAM- 695001. BY ADVS.
GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING
COME UP FOR ADMISSION ON 29.02.2024, ALONG WITH
WP(C).17529/2014 AND CONNECTED CASES, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 17529 OF
2014 & CONN. CASES 10 P.V.KUNHIKRISHNAN, J
----- W.P.(C.) Nos. 6860, 9005, 12355, 14169 &
17529 of 2014 ----- Dated this the 29th day of
February, 2024

JUDGMENT

These writ petitions are filed against the termination of Asha workers when they became the ward members of the local authorities. This Court passed an interim order staying the termination of the petitioners. Probably, the term of the petitioners as members of the local authority might have been already over. Moreover, as per GO (Rt.) No. 483/2023/H&FWD dated 02.03.2023, the Government issued an order in which certain modified guidelines were issued. It will be better to extract the same :

" // " . :< :< 10 ? B WP(C) NO. 17529 OF 2014 & CONN. CASES 11 . ? ? .

In the light of the above, I think no further order is necessary. Therefore, retaining the interim order and in the light of the above guidelines, these writ petitions are closed. sd/- P.V.KUNHIKRISHNAN JUDGE SKS WP(C) NO. 17529 OF 2014 & CONN. CASES 12 APPENDIX OF WP(C) 6860/2014 PETITIONER EXHIBITS EXHIBIT P1 : A TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT DATED 26.08.2013 EXHIBIT P2 : A TRUE COPY OF THE IDENTITY CARD OF THE 1ST PETITIONER WP(C) NO. 17529 OF 2014 & CONN. CASES 13 APPENDIX OF WP(C) 9005/2014 PETITIONER EXHIBITS P1:-TRUE COPY OF THE ORDER DTD 26/8/2013 ISSUED BY THE FIRST RESPONDENT P2:-TRUE COPY OF THE IDENTITY CARD ISSUED BY THE NRHM TO THE FIRST PETITIONER

P3:-TRUE COPY OF THE IDENTITY CARD ISSUED BY THE LOCAL SELF GOVERNMENT DEPARTMENT TO THE FIRST PETITIONER WP(C) NO. 17529 OF 2014 & CONN. CASES 14 APPENDIX OF WP(C) 12355/2014 PETITIONER EXHIBITS EXHIBIT P1. THE COPY OF IDENTITY CARD ISSUED BY OACHIRA BLOCK PANCHAYAT. EXHIBIT P2. THE COPY OF GO(RT)NO.2986/2013/H&FWD DATED 26.08.2013 ISSUED BY DEPUTY SECRETARY TO GOVERNMENT. EXHIBIT P3. THE COPY OF REPRESENTATION DATED 05.04.2014. EXHIBIT P4. THE COPY OF REPLY DATED 23.04.2014 ISSUED TO THE PETITIONER BY DEPUTY SECRETARY FOR THE 1ST RESPONDENT. EXHIBIT P5. THE COPY OF ORDER OF STAY DATED 31.03.2014 OF THIS HON'BLE COURT IN WP(C)NO.9345/2014. WP(C) NO. 17529 OF 2014 & CONN. CASES 15 APPENDIX OF WP(C) 14169/2014 PETITIONER EXHIBITS

EXT.P1 COPY OF THE IDENTITY CARD ISSUED TO 1ST PETITIONER BY THE DISTRICT PROGRAMME MANAGER,AROYAKERALA,THRISSUR. EXT.P2 COPY OF THE IDENTITY CARD ISSUED TO 2ND PETITIONER BY THE DISTRICT PROGRAMME MANAGER,AROYAKERALA,THRISSUR EXT.P3 COPY OF THE CERTIFICATE ISSUEDBY TO THE 1ST PETITIONER BY THE SECRETARY, MATHILAKAM GRAMA PANCHAYATH EXT.P4 COPY OF THE

CERTIFICATE ISSUED TO THE 2ND PETITIONER BY THE SECRETARY, PERINJANAM GRAMA PANCHAYATH EXT.P5 COPY OF THE ORDER DATED 26.08.2013 ISSUED BY THE GOVERNMENT TO DISCONTINUE THE SERVICE OF ELECTED REPRESENTATIVES AS ASHA WORKERS.

EXT.P6 COPY OF THE ORDER DATED 27.03.2014 IN W.P(C)9005/2014. WP(C) NO. 17529 OF 2014 & CONN. CASES 16 APPENDIX OF WP(C) 17529/2014 PETITIONER EXHIBITS P1: COPY OF THE ORDER DATED 26/8/2013 ISSUED BY THE 1ST RESPONDENT. P2: COPY OF THE IDENTITY CARD ISSUED BY THE NRHM TO THE PETITIONER. P3: COPY OF THE IDENTITY CARD ISSUED BY THE LOCAL SELF GOVERNMENT DEPARTMENT TO THE PETITIONERE. P4: COPY OF THE ORDER DATED 27/3/2014 IN WPC NO.9005/2014 ON THE FILE OF THIS HON'BLE COURT.

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