

Sheeba Vs. Director, Social Welfare Development

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Court : Kerala

Decided On : Jul-24-2015

Judge : Honourable Mr. Justice a.K.Jayasankaran Nambiar

Appellant : Sheeba

Respondent : Director, Social Welfare Development

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR FRIDAY, THE 24TH DAY OF JULY 2015 2ND SRAVANA, 1937 WP(C).No. 16481 of 2011 (I) ----- PETITIONER(S): ----- 1. SHEEBA.N.K., AGED 36 YEARS, ACHUTHALAYAM, MARAKKATTUVAYAL KARAPARAMBU KOZHIKODE-673010, NOW WORKING IN CNO.134, URBAN I PUTHIYATHOPETHODUKA FRANCIS ROAD, KOZHIKODE.

2. NASARIYA.A.T., AGED 35 YEARS, A.T.HOUSE, MANANTHALAPALAM, FRANCIS ROAD P.O.KALLYI, KOZHIKODE, NOW WORKING IN CNO.95.

3. C. SEREENA, AGED 40 YEARS, D/O. C.H.ABU, CHULLIYIL HOUSE, P.O.KALLAYI, PANNIYANKARA KOZHIKODE.

4. SARITHA.P., AGED 34 YEARS, ENNAPPADATH HOUSE, VATTAMPOYIL GATE, P.O.KALLAYI KOZHIKODE-673003, NOW WORKING AT CNO.120 SOUTH, BEECH THALANALTHODUKA.

5. SABITHA.E.M., AGED36YEARS, NELLITHODI HOUSE, PAYYANAKKAL.P.O., KALLAYI KOZHIKODE.
6. NISHI.K.V., AGED35YEARS, KIZHAKKEVALAPPIL HOUSE, NEAR PAYYANAKKAL, TEMPLE.P.O. KALLAYI, KOZHIKODE-673003 NOW WORKING, AT C NO.47 PAYYANAKKALIL.
7. SHREEBA.K., AGED39YEARS, KAINERI MEETHAL HOUSE, P.O.ARAKINAR, MARAD KOZHIKODE-673028 NOW WORKING AT ARYANTHOPE KUNDUNGAL.P.O., KALLAYI, KOZHIKODE.
8. SUNILA.A, AGED33YEARS, W/O. SURESHKUMAR.V., SHRUTHILAYA, THIRUTHIVAYAL P.O.NADAKKAVU, KOZHIKODE-673011, NOW WORKING AT C. NO.117, SNEHASANGAMAM ANGANVADI, B.G.ROAD WEST HILL, KOZHIKODE.
9. SWARNAKUMARI.A., AGED46YEARS, PONNARASSERI HOUSE, MEENCHANTHA, GIREESH NAGAR P.O.NALLALAM, KOZHIKODE-673027, NOW WORKING AT C.B.NO.116.
10. SATHI.K., AGED35YEARS, CHANASSERI HOUSE, KIZHAKKANTHIRUTHI CIVIL STATION P.O. KOZHIKODE NOW WORKING AT C.NO.98, VELLAYIL I.
11. ROSY.K.AGED37 KARICHALI HOUSE, BEPORE.P.O., KOZHIKODE.
12. OORMILA.K.K., AGED37YEARS, KANNANKANDI HOUSE, KUNNATH THAZHAMVAYAL NADAKKAVU.P.O., KOZHIKODE.
13. NINNI.K., AGED24YEARS, THARAMMAL HOUSE KUNNATHUTHAZHAM VAYAL, PO NADAKKAVU, KOZHIKODE-11 NOW WORKING AT C.120 SOUTH BEECH, THALNALTHODUKA. P.O., PARAPPIL, KOZHIKODE.
14. SANTHA MOHAN.V.P., AGED40YEARS, MOHAN NIVAS, NASHAKANDI PARAMBU, P.O.WEST HILL KOZHIKODE-673005.
15. PRINITHA.K., AGED38YEARS, KANNANKADAVATH HOUSE, NADAKKAVU.P.O., KOZHIKODE.

16. BEEVIJAN.N.V., AGED33YEARS, W/O. KOYAMON, PALLIKKANDI BEECH M.S.S. COLONY HOUSE NO.15/182, P.O.KALLAYI, KOZHIKODE-673003.
17. BINDU.I., AGED36 CHETTITHOPU PARAMBU, B.G.ROAD, WEST HILL KOZHIKODE. BY ADV. SRI.P.V.KUNHIKRISHNAN RESPONDENT(S):
----- 1. DIRECTOR, SOCIAL WELFARE DEVELOPMENT TRIVANDRUM-695001.
2. CHILD DEVELOPMENT PROJECT OFFICER, KOZHIKODE URBAN-1, KOZHIKODE-673020.
3. DISTRICT OFFICER, SOCIAL WELFARE DEPARTMENT, KOZHIKODE-673020.
4. KOZHIKODE CORPORATION, REPRESENTED BY ITS SECRETARY, KOZHIKODE-673032.
5. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, SOCIAL WELFARE DEPARTMENT TRIVANDRUM-695001. R,R4 BY ADV. SRI.K.D.BABU,SC,KOZHIKODE CORPORATION R1,R2R3& 5 BY ADV. GOVERNMENT PLEADER, SMT. LOWSY A. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2407-2015, ALONG WITH WPC.No. 16481/2011 & CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 16481 of 2011 (I)
----- APPENDIX PETITIONER'S EXHIBITS:-
----- EXT.P1 COPY OF GO(P) MS792010/SWD DATED1011.2010 EXT.P2 COPY OF GO(MS) No.35/2006 SWD DATED1110.2006 EXT.P3 COPY OF GO(MS) No.2/2007 SWD DATED0601.2007 EXT.P4 COPY OF GO(MS) No.8/2008 SWD DATED3101.2008 EXT.P5 COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS WHO HAVE EXPERIENCE FOR MORE THAN SIX MONTHS AS ON3110.2010 PUBLISHED BY THE2D RESPONDENT.. EXT.P6 COPY OF THE SENIORITY LIST OF ANGANWADI WORKERS WHO HAS OBTAINED WORKING EXPERIENCE FOR MORE THAN SIX MONTHS AS ON3110.2010 PUBLISHED BY THE2D RESPONDENT. EXT.P7 COPY OF THE NOTE DATED2705.2011 SIGNED BY ADDITIONAL

PRIVATE SECRETARY TO THE MINISTER FOR PANCHAYAT AND SOCIAL WELFARE. RESPONDENTS'S EXHIBITS:- -----
EXT.R2(a) TRUE COPY OF THE

ORDER

DATED 30.1.2012. EXT.R1(a) TRUE COPY OF THE

ORDER

IN WRIT APPEAL No.1528/2010 DATED 29.09.2010 // True copy // PA to Judge
das A.K. JAYASANKARAN NAMBIAR, J.

===== W.P.(C).No.25614 of
2009, W.P.(C).Nos.16481, 16494, 16536, 16989, 18457 & 21466 of 2011,
W.P.(C).Nos.553, 705, 11279, 14878, 15095, 15102, 15109, 16227, 16903,
17203, 18181, 18817, 19018, 19148, 19256, 19429, 19675, 21096, 21741, 22212,
23524, 23896, 29895 & 30075 of 2012, W.P.(C).Nos.2559, 3685, 13006 & 28457
of 2013, W.P.(C).Nos.5192, 9547, 30048, 30460 & 35397 of 2014 &
W.P.(C).Nos.3338, 13178, 17850 & 19816 of 2015
===== Dated this
the 24th day of July, 2015

JUDGMENT

The petitioners in all these writ petitions are persons, who were engaged as Anganwadi Workers/Anganwadi Helpers in the Anganwadis constituted under various Panchayaths, Municipalities and Corporations, within the State. They had all completed six months of service as Anganwadi Workers/Helpers on temporary basis prior to 31.10.2010. By a Government Order G.O.(MS). No.35/06/SWD dated 11.10.2006, the State Government, while laying down guidelines for regularisation of the services of the said Anganwadi Helpers/Workers, suggested the drawing up of a seniority list of Anganwadi Workers/Helpers for each of the Panchayaths, Municipalities and Corporations so that appointments on a regular basis, to vacancies arising in the post of Anganwadi Workers/Helpers, could be effected from the said list. The criteria fixed in the said Government Order, for inclusion in the seniority list, was that the Anganwadi Workers/Helpers, who were appointed W.P.(C). No.16481/2011 & con.cases -2- on temporary basis should

have worked for one year or more as on 30.06.2006. The appointment contemplated thereafter, was to be in accordance with one's seniority in the list. By another Government Order G.O.(MS)No.2/07/SWD, dated 06.01.2007, certain amendments were made to the Government Order G.O. (MS).No.35/06/SWD and the requirement of having service of one year or more as on 30.06.2006 was amended to read "service of six months as on 15.12.2006". Still later, by G.O.(MS). No.79/2010/SWD, dated 10.11.2010, the criteria was further modified to read "as six months service as on 31.10.2010". In the meanwhile, however, the Government vide G.O.(MS). No.58/2008/SWD dated 22.10.2008 suggested the constitution of a new selection committee, to prepare the seniority list of Anganwadi Workers/Helpers who had been appointed on temporary basis. In the said Government Order, it was made clear that, those persons, who had temporary service as Anganwadi Workers/Helpers and who had found a place in the seniority list prepared based on the Government Orders dated 11.10.2006 and 06.01.2007 respectively, would be given preference in the matter of regular appointment pursuant to the Government Order dated 22.10.2008. In other words, what was contemplated was that the persons, who had already been included in a seniority list W.P.(C). No.16481/2011 & con.cases -3- prepared, based on the Government Orders dated 11.10.2006 and 06.01.2007, would have to be regularised first, and only thereafter, those persons who were contemplated for regularisation under the Government Order dated 22.10.2008, would be considered. It is relevant to note that, through Writ Petition No.25614 of 2009 filed before this Court, the Indian National Anganwadi Employees Federation impugned paragraph 7 of the Government Order G.O.(MS).No.58/2008/SWD dated 22.10.2008, which suggested the constitution of a selection committee comprising of a Chairman, who was to be the Block Panchayat President/Nagarasabha Chairperson/Mayor, a Convener, who was to be the ICDS project officer of the relevant area and five social workers (of whom two had to be women) as members. In the writ petition, the challenge was essentially against the constitution of the said committee to the extent that it was at variance with the constitution of a selection committee that was prescribed by the executive orders issued by the Central Government. By an interim order dated 15.10.2009, in the said writ petition, this Court was of the prima facie view that the provisions of paragraph 7

of the Government order referred to above, were not in conformity with the executive orders issued by the Government of India. This Court, therefore, stayed the W.P.(C). No.16481/2011 & con.cases -4- operation of the said paragraph of the Government Order, and made it clear that Anganwadi Workers/Helpers in different Anganwadi centres in the State would not be selected by a committee that was constituted in terms of paragraph 7 of that Government Order. It was also made clear in the interim order, that the said order would not stand in the way of the Government providing for the constitution of a committee in terms of the executive orders issued by the Government of India. The facts in the writ petition would disclose that it was thereafter, by a Government Order G.O.(MS).No.79/2010/SWD dated 10.11.2010, that the Government amended the earlier Government Order G.O. (MS).No.35/06/SWD dated 11.10.2006 to incorporate the provision that the period of service, required by a temporarily appointed Anganwadi Workers/Helpers for the purposes of regularisation, had to be six months as on 31.10.2010.

2. The petitioners in these writ petitions are all persons, who were included in select lists, that were drawn up by the committee that was constituted prior to the Government Order G.O.(MS).No.58/2008/SWD dated 22.10.2008, and are continuing on the basis of a stay against a termination of their services since, the Government, in the light of the interim order dated 15.10.2009 W.P.(C). No.16481/2011 & con.cases -5- in W.P.(C).No.25614/2009, took a stand that no regular appointment of Anganwadi Helper/Worker could be made, and consequently took steps to terminate the services of temporary helpers/workers as well. While so, by G.O.(MS).No.31/2012/SWD dated 30.05.2012, the Government cancelled the following Government Orders that had been issued earlier: (i) G.O.(MS).No.73/2010/SWD dated 07.10.2010 that framed guidelines for filling up retirement vacancies to the post of Anganwadi Workers/Helpers. (ii) G.O.(MS).No.77/2010/SWD dated 03.11.2010 that deleted paragraph 4 of G.O.(MS).No.73/2010 dated 07.10.2010. (iii) G.O.(MS).No.79/2010/SWD dated 10.11.2010 that provided for amendments in the guidelines prescribed for regularisation of temporary Anganwadi Workers/Helpers to permanent posts by including persons, who had worked for six months upto 31.10.2010 and (iv) G.O.(MS).No.82/2010/SWD dated 24.11.2010 that provided for guidelines to

regulate the transfer of Anganwadi Workers/Helpers.

3. The petitioners impugn G.O.(MS).No.31/2012/SWD dated 30.05.2012 in these writ petitions, inter alia on the ground that the said Government Order was passed without any application of mind and without noticing that the reasons stated therein were not germane to the issue of regularisation of the services of temporary anganwadi workers/helpers. W.P.(C). No.16481/2011 & con.cases -6- 4. I have heard learned counsel for the petitioners in all the writ petitions and Smt. Lowsy and Smt. Rajashree, the learned Government Pleaders appearing for the official respondents in the said writ petitions. The learned Government Pleaders would vehemently contend that inasmuch as the Government Order G.O. (MS).No.31/2012/SWD dated 30.05.2012 was issued pursuant to interim orders of this Court and manifested a policy decision of the State Government, this Court ought not to interfere with the said order in exercise of its powers of judicial review under Article 226 of the Constitution of India.

5. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that a perusal of G.O.(MS).No.31/2012/SWD dated 30.05.2012, which is impugned in these writ petitions, would indicate that the reason for issuing the said Government order, cancelling the earlier Government Orders, was the finding of the Government that the said Government Orders were not in conformity with the directions issued by this Court in its order dated 15.10.2009 in W.P.(C). No.25614/2009 and order dated 29.09.2010 in W.A.No.1528/2010. It would be apposite, therefore, to notice the said interim orders W.P.(C). No.16481/2011 & con.cases -7- passed by this Court to ascertain whether the Government was indeed justified in cancelling the earlier Government Orders based on the said interim orders. The interim order dated 15.10.2009 of this Court in W.P.(C).No.25614/2009 reads as follows: "Learned Government Pleader seeks further time to place on record a statement. Matter to be treated as admitted. Government Pleader takes notice for respondents 1 and 2. Learned Asst. Solicitor General takes notice for 3rd respondent.

2. Heard learned counsel on the question of interim relief.

3. Learned counsel for the petitioner specifically refers to Ext.P5 order passed by the Government of India dated 28.5.2007 which provides for a Committee to select Anganwadi Workers. The suggestion by the Government of India is that committee should consist of the District Social Welfare Officer, the Block Development Officer, the Child Development Project Officer, the Medical Officer of the Primary Health Centre, the President of the Taluk Panchayat/Block Advisory Committee, District Representative of the State Social Welfare Advisory Board and any other non-officials that the State Government may consider appropriate. It was also opined that it would not be appropriate to include MLAs in the selection of Anganwadi Workers/Helpers, who are honorary and grassroot functionaries under the ICDS Scheme. Ext.P1 Government Order dated 22.10.2008 inter alia provides for the constitution of the committee to select Anganwadi Workers/Helpers. The Block Panchayat or Chairman of the Local Authority and the Child Development Project Officer of the ICDS Project are, no doubt, included in the committee. But the order also provides for the appointment of five Social Workers.

4. Prima facie I am of the view that the provision contained in Ext.P1 (para 7 thereof) is not in conformity with Ext.P5 order issued by the Government of India.

5. In the result, there will be a stay of operation of paragraph 7 of Ext.P1 G.O (MS) No.58/2008/SWD dated 22.10.2008. Anganwadi Workers/Helpers in the different Anganwadi Centres in the State shall not therefore be selected W.P.(C). No.16481/2011 & con.cases -8- by a committee which is constituted in terms of paragraph 7 of Ext.P1 Government Order.

6. It is made clear that this order will not stand in the way of the Government providing for the constitution of the Committee in terms of Ext.P5 communication issued by the Government of India, dated 28.5.2007. A copy of this order shall be produced by the petitioner along with copy of the writ petition as also I.A.No.12347 of 2009 forthwith before respondents 1 and 2." 6. Similarly, the order dated 29.09.2010 in W.A.No.1528/2010 reads as follows: "Writ Appeals are filed against the judgment of the learned single Judge refusing to interfere with retirement age of Anganwadi workers fixed at 60 years. After hearing counsel for the appellants and after going through the judgment, we do not think there is any scope for

interference because retirement age is a policy matter on which Court has no say. Further in this case, as against retirement age of Government employees, which is 55, Anganwadi workers are given extended facility in terms of Central Government Rules by providing retirement age at 60 years.

2. However, appellants have further case that no recruitment is made for filling up the vacancies arising on account of retirement of Anganwadi workers. Anganwadies are basically training centres for tender children belonging to economically and socially backward class. If substitutes are not appointed to fill up the vacancies arising on account of retirement of Anganwadi workers, the same will lead to suffering for the students in the Anganwadies. Therefore while admitting the Writ Appeals we directed the respondents to engage retired employees on contract basis paying them the same wages on daily basis so that as and when regular recruitment is made in accordance with the procedure, vacancies available could be filled up by replacing the contract employees engaged after retirement. Appellants have apprehension that through ad hoc or W.P.(C). No.16481/2011 & con.cases -9- provisional appointments of ineligible persons, vacancies arising on account of retirement of Anganwadi workers will be filled up. We feel people experienced in the field are the retiring employees and so long as they are physically and mentally fit, they could be employed on contract basis so that a selection process for provisional appointments could be dispensed with. Further provisional selection itself involves lot of money and time, with which Government can have regular selection. In public interest, we therefore prohibit respondents from making provisional selection to the post of Anganwadi workers, but they should appoint retiring employees on contract basis until regular appointment is made from a list of candidates prepared in the normal selection process. However, if for any reason, a retiring employee is physically or mentally unable to discharge the duties of Anganwadi worker then in such case, a person can be appointed provisionally. But in all other cases, provisional appointments should not be made. There will be direction to the respondents to speed up regular selection process for preparation of list of candidates for appointment to vacancies arising in Anganwadies." 7. It will be seen from a perusal of the orders referred to above that, while in the case of the interim order dated 15.10.2009 in W.P.(C).No.25614/2009, the interdiction by this Court was only in respect of the

operation of paragraph 7 in the Government Order G.O.(MS).No.58/2008/SWD dated 22.10.2008, to the extent it contemplated the constitution of a committee, that was at variance with the committee contemplated in the executive orders issued by the Central Government, the interim order dated 29.09.2010 in W.A.No.1528/2010 was only in respect of making provisional appointments pursuant to the enhancement of age of W.P.(C). No.16481/2011 & con.cases -10- retirement from 58 years to 60 years in the case of Anganwadi Workers/Helpers. It is evident that, neither of these orders had any bearing upon the subject matter covered by the various Government Orders mentioned above with regard to regularisation of the services of persons who were working as Anganwadi Workers/Helpers on a temporary basis and, who were included in the lists prepared by the erstwhile selection committee, based on the criteria specified in those Government Orders. It is also relevant to note that a committee as envisaged by paragraph 7 of G.O.(MS).No.58/2008/SWD dated 22.10.2008 was never constituted and did not conduct any selection. The committee that was later constituted was in 2012 vide G.O.(MS).No.05/2012/SWD dated 30.01.2012 & G.O.(MS).No.74/2012/SJD dated 22.12.2012. The constitution of this later committee was not challenged in any writ petition. Further, the non-application of mind by the Government while issuing the Government Order dated 30.05.2012 is manifest when one reads the said order and finds that even G.O.(MS).No.82/2010/SWD dated 24.11.2010, which laid down guidelines regulating transfers of Anganwadi Workers/Helpers, was cancelled on the ground that it did not comply with the directions issued by this court in the order dated 15.10.2009 and 29.09.2010 in W.P.(C).No.25614/2009 and W.P.(C). No.16481/2011 & con.cases -11- W.A.No.1528/2010 respectively. As already noted above, the interim orders passed by this Court did not deal with transfers of Anganwadi workers/helpers. Thus the Government Order dated 30.05.2012 appears to have been passed without appreciating the true purport and scope of the interim orders passed by this court. Further, as the Government Order does not refer to any other reason as forming the basis of the decision contained therein, it must be presumed that none exists.

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 W.P.(C). No.16481/2011 & con.cases -12- 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.

9. In some of the writ petitions, the petitioners have a case that, they had not received the honorarium that was due to them as per the various Government Orders, for the period that they were working as temporary Anganwadi Workers/Helpers. While complying with the directions in this judgment, the Government shall also look into the said aspects and pay the petitioners the benefits that they are entitled to as per the Government Orders, in force. WP(C) No.3338 of 2015: The petitioners in this writ petition are persons who were included in a select list of Anganwadi workers/helpers by a selection committee that was constituted as per G.O.(MS). No.5/2012/SWD dated 30.01.2012. They were subsequently offered regular appointments as evidenced by Exts.P2 to P6 orders and similar orders issued to the 1st and 7th petitioners. While they were continuing in service, they were informed that, pursuant to W.P.(C). No.16481/2011 & con.cases -13- instructions received from the Office of the Director of Social Justice to stop all recruitments to regular posts of Anganwadi worker/helper, their appointments were being converted into temporary appointments for a period of 179 days. It was found that the said direction of the Director of Social Justice was issued pursuant to a stay granted by this Court in W.P.(C).No.17203/2012 and connected cases, against fresh recruitment based on a circular dated 19.12.2013 issued by the Directorate of Social Justice. In the writ petition, the petitioners challenge the order passed (Ext.P14) cancelling their regular appointment, inter alia, on the ground that the circular dated 19.12.2013,

the stay of which was the basis for issuing Ext.P14 order, did not have any bearing on the regular appointment already made of the petitioners. On a consideration of the facts and circumstances of the case as also the submission of counsel for the petitioner and the learned Government Pleader, I am of the view that insofar as in the batch of cases referred to above, I have already quashed the Government Order G.O.(MS).No.31/2012/SWD dated 30.05.2012, thereby redressing the grievance of the petitioners in those writ petitions, and the stay order, that formed the basis of the impugned order in this writ petition, was passed at the instance of the petitioners in W.P.(C). No.16481/2011 & con.cases -14- those writ petitions, the present writ petition in its challenge against Ext.P14 order must necessarily succeed. Resultantly, I quash Ext.P14 order and hold that the petitioners shall be treated as having been appointed to regular posts of Anganwadi Workers/Helpers as indicated in Exts.P2 to P6 and similar orders issued to them at the time of appointment. To avoid any confusion in the matter of making appointments to regular vacancies that may exist in the Anganwadi concerned, I make it clear that the vacancy position in the Anganwadies covered by this Writ petition will be ascertained only after giving effect to the appointment of the petitioners herein.

W.P.(C) No.17850 of 2015 The petitioner, who is working as an Anganwadi Worker, is aggrieved by a non consideration of her request for transfer from ICDS Parakadavu to ICDS Palluruthy. It is the case of the petitioner that, there is a vacancy at Palluruthy, to which the petitioner can be accommodated. The respondents have taken a stand that the request cannot be considered in the light of the Government Order G.O.(MS).No.31/2012/SWD dated 30.05.2012 that cancelled the earlier Government Order that regulated the transfer of Anganwadi Workers/Helpers. Inasmuch as in the batch W.P.(C). No.16481/2011 & con.cases -15- of writ petitions above, I have already quashed Government Order G.O.(MS).No.31/2012/SWD dated 30.05.2012, the respondents are directed to consider the case of the petitioner in accordance with the guidelines prescribed for transfer, and the other Government Orders which deal with priority in the matter of appointment.

W.P.(C).No.25614/2009: This writ petition is filed by the Indian National Anganwadi Employees Federation challenging paragraph 7 of Ext.P1 Government Order G.O.(MS).No.58/2008/SWD dated 22.10.2008, to the extent it contemplates the constitution of a selection committee at variance with the

constitution of the selection committee as prescribed under various executive orders issued by the Central Government. Although, this Court, by an interim order dated 15.10.2009, had stayed the operation of paragraph 7 of Ext.P1 Government order, and made it clear that Anganwadi workers/helpers in the different Anganwadi centres in the State shall not be selected by a committee which is constituted in terms of paragraph 7 of Ext.P1 Government Order, this Court had also made it clear that the said interim order would not stand in the way of the Government providing for any constitution of a committee in terms of the executive orders issued by the W.P.(C). No.16481/2011 & con.cases -16- Government of India. The facts in the connected writ petitions would indicate that the Government, had subsequently, vide G.O. (MS).No.5/2012/SWD dated 30.01.2012, constituted a fresh selection committee, the constitution of which was not the subject matter of challenge in any writ petition before this Court. In that view of the matter, and taking note of the fact that the committee that was contemplated in paragraph 7 of Ext.P1 Government Order never came into force and did not conduct any selection for the purposes of recruitment of Anganwadi workers/helpers to regular posts, I am of the view that nothing survives to be adjudicated in this writ petition. The writ petition is therefore dismissed as infructuous. The writ petitions are disposed as above. Sd/- A.K.JAYASANKARAN NAMBIAR JUDGE das/prp

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