

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 16<sup>TH</sup> DAY OF DECEMBER 2021 / 25TH AGRAHAYANA, 1943

WP (C) NO. 12966 OF 2021

PETITIONERS:

- 1 PADMINI,  
AGED 62 YEARS  
AGED 62 YEARS, W/O.SURESH, KUNNUPURATH, KATTAPPANA  
P.O., IDUKKI, PIN - 685 508.
- 2 OMANA E.G.  
AGED 62 YEARS, VALIYAPARAMBIL, KATTAPPANA, KOCHUTHOVALA  
P.O., IDUKKI, PIN - 685 514.
- 3 ALEYAMMA VARGHESE  
AGED 62 YEARS, W/O.JOSEPH ETTIYAVIRA, THANNICHUVATTIL,  
KOCHUKAMASHI, CHEMPAKAPPARA P.O., UDUMBANCHOLA, IDUKKI,  
PIN-685 514.
- 4 THRESIA O.J.  
AGED 62 YEARS, W/O.BABU, KOONAMPUZHAYIL HOUSE,  
ERATTAYAR NORTH P.O., IDUKKI, PIN - 685 514.
- 5 KUTTYAMMA SEBASTIAN  
AGED 62 YEARS, W/O.SEBASTIAN, AYANTHIKKAL, EZHUKUMVAYAL  
P.O., UDUMBANCHOLA, PIN - 685 553.
- 6 RADHAMANI AMMA P.K.  
AGED 62 YEARS, W/O.RAJENDRAN, VISWABHAVAN, VANDANMEDU,  
PUTTADY, IDUKKI, PIN-685 551.
- 7 SOSAMMA P.K.  
AGED 62 YEARS, KULANGARA HOUSE, NETTITHOZHU P.O.,  
PALAKKANDOM, PIN-685 551.
- 8 THANKAMMAL K.S.  
MAROTTIPARAMBIL KLYANATHANDU, THOVARAYAR, KATTAPPANA,  
IDUKKI, PIN - 685 511.
- 9 CLARAMMA JOSEPH  
AGED 62 YEARS, W/O.SEBASTIAN, MUKALIKKUNNEL HOUSE,  
PRATHIBHA NAGAR, PRAPPA P.O., KASRACODE, PIN-671 533.
- 10 AMMINI V.K.  
AGED 62 YEARS, W/O.THANKACHAN, SHANKUVIRATHIL HOUSE,

PRATHIBHA NAGAR, PARAPPA P.O., KASARCODE, PIN - 671 533.

- 11 MOLY V.M.  
AGED 62 YEARS, CHEMPAKASSERI HOUSE, MADUKKA P.O.,  
PANAKKACHIRA, KOTTAYAM (DIST), PIN-686 513.

BY ADVS.  
K.V.ANIL KUMAR  
SWAPNA VIJAYAN

**RESPONDENT/S :**

- 1 UNION OF INDIA  
REPRESENTED BY SECRETARY TO GOVERNMENT, INTEGRATED  
CHILD DEVELOPMENT DEPARTMENT, NEW DELHI, PIN - 110 001.
- 2 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.
- 3 THE SECRETARY TO GOVERNMENT  
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695 001.
- 4 THE DIRECTOR  
WOMEN AND CHILD DEVELOPMENT DEPARTMENT, OFFICE OF WOMEN  
AND CHILD DEVELOPMENT DEPARTMENT, POOJAPPURA P.O.,  
THIRUVANANTHAPURAM, PIN - 695 004.
- 5 CHIEF EXECUTIVE OFFICER  
ANGANWADI WORKERS AND HELPERS WELFARE FUND (AW&H),  
SOCIAL JUSTICE ANNEX, POOJAPPURA P.O.,  
THIRUVANANTHAPURAM, PIN 695 004.
- 6 CHILD DEVELOPMENT PROJECT OFFICER  
KATTAPPANA, CHILD DEVELOPMENT PROJECT OFFICE,  
KATTAPPANA P.O., IDUKKI DISTRICT, PIN 685 508.
- 7 CHILD DEVELOPMENT PROJECT OFFICER  
PARAPPA, CHILD DEVELOPMENT PROJECT OFFICE, PARAPPA  
P.O., KASARGODU DISTRICT, PIN - 671 533.
- 8 CHILD DEVELOPMENT PROJECT OFFICER  
KANJIRAPPALLY, CHILD DEVELOPMENT PROJECT OFFICE,  
MUNDAKKAYAM, MADUKKA P.O., KOTTAYAM DISTRICT, PIN-686

513.

BY ADVS.  
SRI.S.BIJU, CGC  
GOVERNMENT PLEADER

**OTHER PRESENT:**

GP PARVATHY KOTTOL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
5.11.2021, ALONG WITH WP(C).9951/2021, 11179/2021 AND CONNECTED  
CASES, THE COURT ON 16/12/2021 DELIVERED THE FOLLOWING:

## IN THE HIGH COURT OF KERALA AT ERNAKULAM

## PRESENT

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 16<sup>TH</sup> DAY OF DECEMBER 2021 / 25TH AGRAHAYANA, 1943WP(C) NO. 9951 OF 2021PETITIONER/S:

- 1 MARY K.D.  
AGED 62 YEARS  
W/O.JOSEPH.T.M., THAMARASSERIYIL, POOTHAKUZHI P.O.,  
PIN-686 521.
- 2 ANNIES VARGHESE,  
W/O.N.S.VARGHESE, NEELIYANICKAL, SOUTH PAMPADY P.O.,  
PIN-686 521.
- 3 RAMANI.K.N.,  
W/O.V.A.CHANDRAN, KEEZHATTIL, PAMPADY P.O., PIN-686  
502.
- 4 ALEYAMMA VARGHESE,  
W/O.LATE M.M.ABRAHAM, ETTITTUPARAMBIL, PANGADA P.O.,  
PIN-686 502.
- 5 VIJAYAMMA.M.N.,  
W/O.SASI.K.K., MATTATHIL, PANGADA P.O., PIN-686 502.
- 6 KUNJUMOL.M.J.  
W/O.JAMES, NEDUMPOIKUYIL, MEENADOM P.O., PIN-686 516.

BY ADV NOBLE MATHEW

RESPONDENT/S:

- 1 CHILD DEVELOPMENT PROJECT OFFICER  
PAMPADY BLOCK, POOVATHILAPPU P.O., KOTTAYAM DISTRICT-  
686 001.
- 2 THE DIRECTOR, WOMAN AND CHILD DEVELOPMENT DEPARTMENT,  
POOJAPPURA P.O., THIRUVANANTHAPURAM-695 001.
- 3 THE SECRETARY TO GOVERNMENT,  
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT,

THIRUVANANTHAPURAM-695 001.

- 4 CHIEF EXECUTIVE OFFICER,  
ANGANWADI WORKERS AND HELPERS WELFARE FUND (AW AND H) ,  
SOCIAL JUSTICE ANNEXE, POOJAPPURA P.O.,  
THIRUVANANTHAPURAM-695 004.
- 5 STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 6 UNION OF INDIA  
REPRESENTED BY SECRETARY TO GOVERNMENT, INTEGRATED  
CHILD DEVELOPMENT DEPARTMENT, NEW DELHI-110 001.

BY ADVS.  
GOVERNMENT PLEADER  
SRI.M.A.VINOD, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
5.11.2021, ALONG WITH WP(C).12966/2021 AND CONNECTED CASES, THE  
COURT ON 16/12/2021 DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE SUNIL THOMAS****THURSDAY, THE 16<sup>TH</sup> DAY OF DECEMBER 2021 / 25TH AGRAHAYANA, 1943****WP(C) NO. 11179 OF 2021****PETITIONER/S:**

- 1 MOLLY V.M.,  
AGED 62 YEARS  
W/O. UTHAMAN OUSEPH, CHEMBAKASSERY, MADUKKA P.O.,  
PANAKKACHIRA, KOTTAYAM DISTRICT, PIN-686 513
- 2 LEELAMMA.M.C.,  
THYKKADAVIL, RPC P.O., VANDAMPATHAL, KOTTAYAM  
DISTRICT, PIN-686 513
- 3 NANDHINI.K.D.,  
PUTHENPURAKAL, KALEKETTY P.O., KOTTAYAM DISTRICT, PIN-  
686 515
- 4 SHEELA.P.N.,  
VELAMTHUNDIYIL, ANACKALLU P.O., KOTTAYAM DISTRICT, PIN-  
686 508

BY ADV NOBLE MATHEW

**RESPONDENT/S:**

- 1 CHILD DEVELOPMENT PROJECT OFFICER  
KANJIRAPALLY BLOCK, KANJIRAPPALLY P.O., KOTTAYAM  
DISTRICT, PIN-686 507
- 2 THE DIRECTOR,  
WOMAN AND CHILD DEVELOPMENT DEPARTMENT, POOJAPPURA  
P.O., THIRUVANANTHAPURAM, PIN-695 004
- 3 THE SECRETARY TO GOVERNMENT,  
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN-695 001
- 4 CHIEF EXECUTIVE OFFICER,  
ANGANWADI WORKERS AND HELPERS WELFARE FUND (AW AND  
H), SOCIAL JUSTICE ANNEXE, POOJAPPURA P.O.,

THIRUVANANTHAPURAM, PIN-695 004

5 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001

6 UNION OF INDIA,  
REPRESENTED BY SECRETARY TO GOVERNMENT, INTEGRATED  
CHILD DEVELOPMENT DEPARTMENT, MINISTRY OF WOMEN AND  
CHILD DEVELOPMENT, SHASTRI BHAWAN, NEW DELHI-110 001

BY ADV GOVERNMENT PLEADER PARVARY KOTTOL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
5.11.2021, ALONG WITH WP(C).12966/2021 AND CONNECTED CASES, THE  
COURT ON 16/12/2021 DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE SUNIL THOMAS****THURSDAY, THE 16<sup>TH</sup> DAY OF DECEMBER 2021 / 25TH AGRAHAYANA, 1943****WP(C) NO. 11348 OF 2021****PETITIONER/S:**

1       BABY  
          AGED 42 YEARS  
          W/O. ARJUNAN, PLAVILA , RAJI BHAVAN, VENNIYOOR,  
          NELLIVILA P.O, THIRUVANANTHAPURAM 695 523

2       SELVAM  
          AGED 62 YEARS  
          W/O. STEPHEN, DAVID MEMORIAL MAVILA VEEDU,  
          KANJIRAMKULAM P.O, THIRUVANANTHAPURAM 695 524

          BY ADVS.  
          R.T.PRADEEP (P-275)-19301  
          M.BINDUDAS  
          K.C.HARISH

**RESPONDENT/S:**

1       THE SECRETARY TO GOVERNMENT  
          SOCIAL JUSTICE DEPARTMENT, GOVERNMENT SECRETARIAT,  
          THIRUVANANTHAPURAM, PIN 695 001

2       DIRECTOR  
          DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT, POOJAPPURA  
          P.O, THIRUVANANTHAPURAM, PIN 695 004.

3       CHILD DEVELOPMENT PROJECT OFFICER,  
          ATHIYANNOOR BLOCK, NEYYATTINKARA P.O,  
          THIRUVANANTHAPURAM, PIN 695 121

4       CHIEF EXECUTIVE OFFICER,  
          ANGANAVADI WORKERS AND HELPERS WELFARE FUND (AD AND  
          H)SOCIAL JUSTICE ANNEX, POOJAPPURA P.O,  
          THIRUVANANTHAPURAM PIN 695 004

5       UNION OF INDIA,  
          REPRESENTED BY SECRETARY TO GOVERNMENT, INTEGRATED

CHILD DEVELOPMENT DEPARTMENT, MINISTRY OF WOMEN AND  
CHILD DEVELOPMENT SASTHRI BHAVAN, NEW DELHI 110 001

6 ADDL. R6. ASHIMA SHAJI,  
W/O.PRANAV SURESH, NADANAM, NEAR U.P.S. SCHOOL  
POOTHANKODU, THIRUVANANTHAPURAM-695584. NOW RESIDING AT  
ELEVANNA ARAPURA VEEDU, KAZHIVOO P.O., KANJIRAMKULAM,  
THIRUVANANTHAPURAM-695521

ADDITIONAL R6 IMPLEADED AS PER THE ORDER DATED  
03.09.2021 IN I.A. 1/2021 IN WP(C) 11348.

BY ADVS.  
GOVERNMENT PLEADER PARVATHY KOTTOL  
V.G.ARUN (K/795/2004)  
V.JAYA RAGI  
NEERAJ NARAYAN  
R.HARIKRISHNAN (KAMBISSERIL)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
5.11.2021, ALONG WITH WP(C).12966/2021 AND CONNECTED CASES, THE  
COURT ON 16/12/2021 DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE SUNIL THOMAS****THURSDAY, THE 16<sup>TH</sup> DAY OF DECEMBER 2021 / 25TH AGRAHAYANA, 1943****WP (C) NO. 11388 OF 2021****PETITIONER/S:**

- 1      AELAMMA GEORGE  
AGED 62 YEARS  
W/O.MATHEW THARAKAN, ANGANWADI ADOOR TALUK, ANGANWADI NO.50, KUZHIYAKALA, KADAMPANAD PANCHAYAT, ADOOR TALUK, PATHANAMTHITTA DISTRICT. RESIDING AT MULAMOOTTIL HOUSE, KADAMPANAD P.O., PATHANAMTHITTA DISTRICT - 691 552.
- 2      SANTHAMMA M.L.  
AGED 62 YEARS  
W/O.GOPALAKRISHNAN P., ANGANWADI WORKER, PATHANAMTHITTA DISTRICT. RESIDING AT MAGALATHU PUTHENVEEDU, THOZHIYLOOR SOUTH P.O., PATHANAMTHITTA DISTRICT - 691 552.
- 3      SATHIYAMMA J.  
AGED 62 YEARS  
D/O.GANGADHARAN, ANGANWADI WORKER, ANGANWADI NO.66, KUNDOM MALANADA, KADAMPANAD PANCHAYAT, ADOOR TALUK, PATHANAMTHITTA DISTRICT. RESIDING AT VADAKKECHARUVIL, NELLIMUKAL P.O., PATHANAMTHITTA DISTRICT - 691 551.
- 4      THANKAMMA R.  
AGED 62 YEARS  
W/O.RAVEENDRAN, ANGANWADI WORKER, ANGANWADI NO.68, MANJALI, KADAMPANAD PANCHAYAT, ADOOR TALUK, PATHANAMTHITTA DISTRICT. RESIDING AT PUSHPAVILASAM, THUVAYOOR SOUTH P.O., PATHANAMTHITTA DISTRICT - 691 552.

BY ADVS.  
ROSHEN.D.ALEXANDER  
TINA ALEX THOMAS  
HARIMOHAN

**RESPONDENT/S:**

- 1      UNION OF INDIA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, INTEGRATED

CHILD DEVELOPMENT PROGRAMME, MINISTRY OF WOMEN AND  
CHILD DEVELOPMENT, SASTHRI BHAVAN, NEW DELHI - 110 001.

- 2 STATE OF KERALA  
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 THE PRINCIPAL SECRETARY TO GOVERNMENT  
SOCIAL JUSTICE DEPARTMENT, GOVERNMENT OF KERALA,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 4 THE DIRECTOR, WOMEN AND CHILD WELFARE DEPARTMENT  
POOJAPURA P.O., THIRUVANANTHAPURAM - 695 004.
- 5 THE CHIEF EXECUTIVE OFFICER  
ANGANWADI HELPERS AND WORKERS WELFARE FUND (AWWF),  
SOCIAL JUSTICE ANNEXE, POOJAPURA P.O.,  
THIRUVANANTHAPURAM - 695 004.
- 6 THE CHILD DEVELOPMENT PROJECT OFFICER  
PARAKODE ADDITIONAL, PARAKKODE P.O., PATHANAMTHITTA  
DISTRICT - 691 554.

BY ADVS.  
SRI.RAJAGOPALAN.A., CGC  
GOVERNMENT PLEADER PARVATHY KOTTOL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
5.11.2021, ALONG WITH WP(C).12966/2021 AND CONNECTED CASES, THE  
COURT ON 16/12/2021 DELIVERED THE FOLLOWING:

COMMON JUDGMENT

[WP (C) Nos.12966/2021, 9951/2021, 11179/2021, 11348/2021,  
11388/2021]

All the writ petitioners are Anganwadi teachers/helpers employed in various anganwadis run under Child Development Project officer and the Woman and Child Development Department. All of them were employed long back and have put in around 30 years or more service. The common case of all the writ petitioners, as can be assimilated from the various facts disclosed in their writ petitions, can be summarized as follows;

2. The above Anganwadi teachers/workers are receiving a gross salary of Rs.12,000/- per month. Out of it, the major share of the expenses is borne by the Union of India, medium share by the Government of Kerala and a small portion by the local Panchayath. The Chief Executive Officer of Anganwadi Workers and Helpers Welfare Fund is specifically assigned the duty to formulate adequate welfare measures and schemes to provide retirement benefits and pension to Anganwadi workers/helpers. The retirement age of the Anganwadi workers was originally 60 years. Some of the persons approached this court by filing W.P.(C) No.4755/2009 seeking a writ of mandamus commanding the respondents therein to formulate adequate welfare scheme to provide retirement benefits and pension to the employees. That writ petition was disposed of directing the Government to consider the same and to pass appropriate orders within three months from the date of receipt of a copy of that judgment. Accordingly, the Government by G.O. (MS) No.523/2016/SJD dated 11/11/2016 introduced a Welfare Fund with

Contributory Scheme from the Anganwadi workers/helpers. The Government of Kerala also contributed a share.

3. Subsequently, several persons approached this court seeking a direction to the Government to increase the retirement age. The writ petition was filed to enhance the retirement age from 60 years to 62 years. It was also noticed that the Union Government had evolved the policy to fix the retirement age as 65 years, which was accepted by most of the State Governments. The writ petitions filed by the employees were dismissed, against which Writ Appeal No.1479/2020 and connected writ appeals were filed. All the above writ appeals were disposed of by a Division Bench of this Court directing that retirement age is a policy matter which the court has no say. However, it was noticed that Anganwadi workers were given an extended facility in terms of the Central Government Rules by providing retirement age at 60 years. However, noticing the fact that the recruitments were not made for filling up vacancies arising on account of retirement of Anganwadi workers, the Division Bench held that post of Anganwadi teachers/workers shall not be kept vacant and hence, the respondents should engage retired employees on contract basis paying them the same wages on daily wages so that as and when regular recruitments were made in accordance with procedure, vacancies available could be filled up by replacing the contract employees engaged after retirement. It was also noticed that it was subject to the condition that they are physically and mentally fit which enable them for re-appointment on contract basis.

4. All the writ petitioners have approached this court contending that on attainment of their age of superannuation, all of them have been issued with notices

of termination. They sought enhancement of retirement age to 65 years and till regular persons are appointed after the retirement, they may be permitted to engaged on contract basis.

5. Since all the writ petitions arise from similar facts and circumstances and similar reliefs are sought, they were heard together. Heard the learned counsel for the respective petitioners and the learned Government Pleader.

6. Separate counter affidavits were filed in most of the writ petitions. In W.P.(C) No.9951/2021 and W.P.(C) No.11179/2021 and in some of the other writ petitions, counter affidavits were filed stating that pursuant to the Government Orders, the vacancies, that arose consequent to the attainment of age of superannuation of the respective petitioners, were proposed to be filled up by persons already in the list or by transfer of those persons who are already employed elsewhere and who have requested for transfer. Pending the writ petitions, all the writ petitioners were permitted to continue, if no other permanent employee has been appointed against their respective posts.

7. In the light of the directions given by this Court in W.P.(C)11653/2014 and connected cases as well as the direction in 10891/2014, the Government had considered the question of enhancing the retirement age of Anganwadi helpers/workers. It was noticed that by virtue of G.O(MS)33/2012 of the Social Welfare Department dated 31/5/2012, the age of retirement of Anganwadi workers/teachers was fixed as 62 years. Request were made by several persons to enhance the age of retirement to 65 years. Pursuant to the direction of this court in the above mentioned writ petitions, the matter was heard by the Government

after giving a reasonable opportunity of being heard to both sides, decision was taken. The Government had taken note of the observation that, for effective implementation of health care programmes, aged Anganwadi employees are unable to carry out the implementation of healthcare programmes effectively, though it was prescribed in the ICDS Mission Board that retirement age can be enhanced to 65 years,. The Government after having considered the entire facts, had resolved to fix the enhanced age of Anganwadi teachers/helpers as 62 years and to fix the date of retirement as April 30<sup>th</sup> of every year. The retirement age being a policy decision, in the light of the above there is no scope for any further interference.

8. The learned counsel for the petitioners in W.P.(C) No.11348/2021 vehemently contended that the Government had formulated guidelines for the constitution of selection committee for the selection of Anganwadi teachers/helpers by G.O.No.74/2012 dated 22/12/2012. A learned Single Judge of this court by the Judgment in W.P.(C) No.24893/2018 had set aside the above G.O.to the extent it provided for inclusion of five social workers in the selection committee. It was stated that thereafter, though a writ appeal was filed, matter is still pending consideration. Accordingly, proper selection is not being conducted.

9. The learned counsel for the writ petitioners vehemently contended that, in the light of the present scenario and where an effective mechanism is not put in place, the recruitment of new employees were not possible. It was also contended that the intention of the respective Panchayath was to terminate the service of contract employees and to bring in another set of contract employees and such method has been deprecated by the Hon'ble Supreme Court in **Hargurpratap**

***Singh v. State of Punjab and Others (2007) KHC 7838***). In that decision it was held that, the course adopted by the Management was to displace one ad hoc arrangement by another ad hoc arrangement, which was not at all appropriate for those type of persons, who have gained experience. Hence, it was directed that the appellants shall be continued in service till regular appointments are made, on minimum of the pay scale. It was further directed that the appellant however was not entitled to regularization.

10. In the light of the above facts, it is true that, the committee is not in place for selection of the candidates. However, it seems that several G.Os have been issued regarding the service conditions of the employees and their selection process. By virtue of G.O No.1/2020 of Social Justice Department dated 6/1/2020, Rules in relation to the Anganwadi workers/helpers Welfare Fund Act, were framed by the Government and published. The Government had noticed that, Central Government had issued direction that 25% of the Anganwadi workers shall be reserved for appointment by promotion of qualified helpers. Such a direction was issued by the Central Government by G.O No.1/9/2006-CD-1 dated 6/10/2006. It was reiterated in G.O.(MS) No.74/2012 of Social Welfare Department dated 22/12/2012. Hence, G.O.No.254/2018 dated 30/4/2018 was issued to ensure that specific and separate reservations were made for various categories of persons. 25% for the helpers who had completed 10 years of service and who passed SSLC/SSLC equivalency course was also provided. Thereafter, the priority list for fixing the process of filling up the vacancies by rotation for various eligible candidates was issued by G.O B2/406/2019 of Social Justice Department dated

22/2/2020, which was also placed on record. These show that specific portion of the vacancies are set apart for certain specified categories. Having considered this, though the selection committee is not put in place, the method of selecting the candidates by various preferences stands fixed. In the light of the above, I am inclined to direct that wherever, persons who are available by virtue of the priority list and requested for posting at places wherein other candidates are available, it shall be dealt with in accordance with law.

11. In the above circumstances, I am inclined to dispose of the writ petitions with the following direction;

All the posts of the petitioners herein, if they are not filled up, in accordance with the Government Rules, Guidelines and Regulations and G.Os mentioned above, the employees who had retired from that post shall be engaged on contract basis till persons engaged by due process of law are brought in.

No further orders are required in these writ petitions. Writ petitions are disposed of as above.

Sd/-

**SUNIL THOMAS**

**Judge**

dpk

**APPENDIX OF WP (C) 9951/2021**

## PETITIONER EXHIBITS

- EXHIBIT P1                      PHOTOSTAT COPY OF THE JUDGMENT DATED  
05.01.2017 IN WPC NO.4755 OF 2009.
- EXHIBIT P2                      PHOTOSTAT COPY EVIDENCING THE INADAQUATE  
BENEFITS IN THE WELFARE FUND SCHEME  
FORMULATED BY RESPONDENT NOS.4 AND 5 AS PER  
GO (MS) NO.523/2016/SJD DATED 11.11.2016.
- EXHIBIT P3                      PHOTOSTAT COPY OF THE ORDER IN WA NOS.1479,  
1465, 1571, 1528, 1460 AND 1459 OF 2010.
- EXHIBIT P4                      TRUE COPY OF THE REPRESENTATION SUBMITTED TO  
SMT.SMRITI IRANI, HON'BLE UNION MINISTER OF  
INDIA ON 02.03.2021.

EXT.P5: COPY OF THE CIRCULAR ICDS B 24506/18 DATED  
23/2/2021

EXT.P6: COPY OF THE LETTER ISSUED BY THE SECOND  
RESPONDENT TO THE FIRST RESPONDENT DATED  
30/4/2021

EXT.P7: COPY OF THE JUDGMENT OF THIS COURT DATED  
26/11/2019 IN WPC NO.24893/2018

## RESPONDENTS EXHIBITS:

EXT.R2(A): COPY OF THE GO(MS) NO.60/2014/SJD DATED  
19/7/2014

EXT.R2(B): COY OF THE JUDGMENT IN WPC NO.11653/2014  
AND CONNECTED CASES.

EXT.R2(C): COPY OF THE GO(RT)  
NO.1863/2021/FIN.DATED 26/2/2021.

EXT.R2(D):COPY OF THE GO(MS) NO.04/2015/SJD DATED  
17/1/2015

EXT.R2(E): COPY OF THE GO(P) NO.12/02/WD DATED  
10/4/1992.

EXT.R2(F): COPY OF GO(P)NO.1/2020/SJD DATED 16/1/2020

EXT.R2(G): COPY OF THE GO(P)NO.353/2020/SJD DATED

28/7/2020

EXT.R2(H): COPY OF THE GO(MS) NO.254/2018/SJD DATED  
30/4/2018

EXT.R2(I): COPY OF THE CIRCULAR NO.SJD-B2/406/2019-  
SJD DATED 22/2/2020

ANNEXURE A1: COPY OF THE GO(RT) NO.254/2018/SJD  
DATED 30/4/2018

ANNEXURE A2: COPY OF THE CIRCULAR WITH  
NO.SJD-B2/406/2018/SJD DATED 22/2/2020

**APPENDIX OF WP(C) 11179/2021**

## PETITIONER EXHIBITS

EXHIBIT P1                      PHOTOSTAT COPY OF THE JUDGMENT DT 05.01.2017  
IN W.P(C) NO.4755 OF 2009

EXHIBIT P2                      PHOTOSTAT COPY O EVIDENCING THE INADEQUATE  
BENEFITS IN THE WELFARE FUND SCHEME  
FORMULATED BY RESPONDENT NOS.4 AND 5 AS PER  
GO (MS) NO.523/2016/SJD DT,11/11/2016

EXHIBIT P3                      PHOTOSTAT COPY OF THE ORDER OF THIS HON'BLE  
COURT IN W.A.NO.1465 OF 2010 DT 31.08.2010

EXHIBIT P4                      PHOTOSTAT COPY OF THE MODIFIED ORDER OF THIS  
HON'BLE COURT IN W.A.NO.1465 OF 2010 DT  
29.9.2010

EXHIBIT P5                      TRUE COPY OF THE REPRESENTATION SUBMITTED TO  
SMT.SMIRITI IRANI, HON'BLE UNION MINISTER OF  
INDIA ON 02.03.2021

EXHIBIT P6                      PHOTOSTAT COPY OF THE ORDER OF THIS HON'BLE  
COURT IN W.P(C) NO.9951/2021 DT 27.04.2021

EXT.P5: COPY OF THE CIRCULAR ICDS B 24506/18 DATED  
23/2/2021

EXT.P6: COPY OF THE LETTER ISSUED BY THE SECOND  
RESPONDENT TO THE FIRST RESPONDENT DATED  
30/4/2021

EXT.P7: COPY OF THE JUDGMENT OF THIS COURT DATED  
26/11/2019 IN WPC NO.24893/2018

## RESPONDENTS EXHIBITS:

EXT.R2(A): COPY OF THE GO(MS) NO.60/2014/SJD DATED  
19/7/2014

EXT.R2(B): COY OF THE JUDGMENT IN WPC NO.11653/2014  
AND CONNECTED CASES.

EXT.R2(C): COPY OF THE GO(RT)  
NO.1863/2021/FIN.DATED 26/2/2021.

EXT.R2(D):COPY OF THE GO(MS) NO.04/2015/SJD DATED

17/1/2015

EXT.R2(E): COPY OF THE GO(P) NO.12/02/WD DATED  
10/4/1992.

EXT.R2(F): COPY OF GO(P)NO.1/2020/SJD DATED 16/1/2020

EXT.R2(G): COPY OF THE GO(P)NO.353/2020/SJD DATED  
28/7/2020

EXT.R2(H): COPY OF THE GO(MS) NO.254/2018/SJD DATED  
30/4/2018

EXT.R2(I): COPY OF THE CIRCULAR NO.SJD-B2/406/2019-  
SJD DATED 22/2/2020

ANNEXURE A1: COPY OF THE GO(RT) NO.254/2018/SJD  
DATED 30/4/2018

ANNEXURE A2: COPY OF THE CIRCULAR WITH  
NO.SJD-B2/406/2018/SJD DATED 22/2/2020

**APPENDIX OF WP(C) 11348/2021**

## PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE RELIEVING CERTIFICATE DATED 30.4.2021 BY WHICH 1ST PETITIONER RETIRED AS WORKER OF ANGANVADI NO 112 IN KANJIRAMKULAM GRAMA PANCHAYAT
- Exhibit P2 TRUE COPY OF THE RELIEVING CERTIFICATE DATED 30.4.2021 OF 2NDD PETITIONER FROM ANGANVADI NO 43 OF KANJIRAMKULAM GRAMA PANCHAYAT
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 5.1.2017 IN WPC NO 4755/2009
- Exhibit P4 TRUE COPY OF THE GO (MS ) NO 523/2016/SJD DATED 11.11.2016
- Exhibit P5 TRUE COPY OF THE ORDER DATED 31.8.2010 IN WA NO 1465/2010
- Exhibit P6 TRUE COPY OF THE ORDER DATED 29.9.2010 IN WA NO 1465/2010
- Exhibit P7 TRUE COPY OF THE GO (MS) NO 74/2012/SJD DATED 22.12.2012
- Exhibit P8 TRUE COPY OF THE JUDGMENT DATED 26.11.2019 IN WPC NO 24893/2018
- Exhibit P9 TRUE COPY OF THE ORDER DATED 27.4.2021 IN WPC NO 9951/2021
- Exhibit 10 TRUE COPY OF THE ORDER DATED 7.5.2021 IN WPC NO 11179/2021

## RESPONDENTS EXHIBITS:

EXT.R2(A): COPY OF THE GO(MS) NO.60/2014/SJD DATED 19/7/2014

EXT.R2(B): COY OF THE JUDGMENT IN WPC NO.11653/2014 AND CONNECTED CASES.

EXT.R2(C): COPY OF THE GO(RT) NO.1863/2021/FIN.DATED 26/2/2021.

EXT.R2(D):COPY OF THE GO(MS) NO.04/2015/SJD DATED 17/1/2015

EXT.R2(E): COPY OF THE GO(P) NO.12/02/WD DATED 10/4/1992.

EXT.R2(F): COPY OF GO(P)NO.1/2020/SJD DATED 16/1/2020

EXT.R2(G): COPY OF THE GO(P)NO.353/2020/SJD DATED 28/7/2020

EXT.R2(H): COPY OF THE GO(MS) NO.254/2018/SJD DATED 30/4/2018

EXT.R2(I): COPY OF THE CIRCULAR NO.SJD-B2/406/2019-SJD DATED 22/2/2020.

EEXT.R6(B): CO

**APPENDIX OF WP (C) 11388/2021**

## PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF PRINT OUT OF AWC CENTER MONITORING DETAILS TAKEN FROM THE OFFICIAL WEBSITE OF ICDS SCHEME MAINTAINED BY MINISTRY OF WOMEN AND CHILD DEVELOPMENT, GOVERNMENT OF INDIA NAMELY [HTTPS://WCD.NIC.IN](https://wcd.nic.in) WHICH IS PRINTED ON 19/05/2021 AND WHICH REFLECTS THE NAME OF THE 1ST PETITIONER AS AWW.
- Exhibit P1A TRUE COPY OF PRINT OUT OF AWC CENTER MONITORING DETAILS TAKEN FROM THE OFFICIAL WEBSITE OF ICDS SCHEME MAINTAINED BY MINISTRY OF WOMEN AND CHILD DEVELOPMENT, GOVERNMENT OF INDIANAMELY [HTTPS://WCD.NIC.IN](https://wcd.nic.in) WHICH IS PRINTED ON 19/05/2021 AND WHICH REFLECTS THE NAME OF THE 2ND PETITIONER AS AWW.
- Exhibit P1B TRUE COPY OF PRINT OUT OF AWC CENTER MONITORING DETAILS TAKEN FROM THE OFFICIAL WEBSITE OF ICDS SCHEME MAINTAINED BY MINISTRY OF WOMEN AND CHILD DEVELOPMENT, GOVERNMENT OF INDIA NAMELY [HTTPS.WCD.NIC.IN](https://wcd.nic.in) WHICH IS PRINTED ON 19/05/2021 AND WHICH REFLECTS THE NAME OF THE 3RD PETITIONER AS AWW.
- Exhibit P1C TRUE COPY OF PRINT OUT OF AWC CENTER MONITORING DETAILS TAKEN FROM THE OFFICIAL WEBSITE OF ICDS SCHEME MAINTAINED BY MINISTRY OF WOMEN AND CHILD DEVELOPMENT, GOVERNMENT OF INDIA NAMELY [HTTPS://WCD.NIC.IN](https://wcd.nic.in) WHICH IS PRINTED ON 19/05/2021 AND WHICH RELECTS THE NAME OF THE 4TH PETITIONER AS AWW.
- Exhibit P2 TRUE COPY OF AN ARTICLE TAKEN FROM WIKIPEDIA [HTTPS-EN.WIKIPEDIA.ORG/WIKI/INTEGRATED-CHILD-DEVELOPMENT SERVICES](https://en.wikipedia.org/wiki/Integrated-Child-Development_Services).
- Exhibit P3 TRUE COPY OF JUDGMENT DTD. 05/01/2017 IN WP(C) NO.4755/2009 ON THE FILES OF THIS HONBLE COURT.
- Exhibit P4 TRUE COPY OF PRINT OUT REGARDING AWW AND HELPERS WELFARE FUND BOARD.
- Exhibit P5 TRUE COPY OF ORDER DTD. 31/08/2010 IN WRIT

APPEAL NO.1465/2010.

Exhibit P6 TRUE COPY OF RELIEVING CERTIFICATE DTD.  
30/04/2021 ISSUED TO THE 1ST PETITIONER.

Exhibit P6(A) TRUE COPY OF THE RELIEVING CERTIFICATE DTD.  
30/04/2021 ISSUED TO THE 2ND PETITIONER.

Exhibit P6(B) TRUE COPY OF RELIEVING CERTIFICATE DTD.  
30/04/2021 ISSUED TO THE 3RD PETITIONER.

Exhibit P6(C) TRUE COPY OF RELIEVING CERTIFICATE DTD.  
30/04/2021 ISSUED TO THE PETITIONER.

Exhibit P7 TRUE COPY OF ORDER DTD. 30/04/2021 IN WPC  
NO.10199/2021 ON THE FILES OF THIS HONBLE  
COURT.

Exhibit P8 TRUE COPY OF REPRESENTATION DTD. 30/04/2021.

RESPONDENTS EXHIBITS:

EXT.R2(A): COPY OF THE GO(MS) NO.60/2014/SJD DATED  
19/7/2014

EXT.R2(B): COY OF THE JUDGMENT IN WPC NO.11653/2014 AND  
CONNECTED CASES.

EXT.R2(C): COPY OF THE GO(RT) NO.1863/2021/FIN.DATED  
26/2/2021.

EXT.R2(D):COPY OF THE GO(MS) NO.04/2015/SJD DATED  
17/1/2015

EXT.R2(E): COPY OF THE GO(P) NO.12/02/WD DATED 10/4/1992.

EXT.R2(F): COPY OF GO(P)NO.1/2020/SJD DATED 16/1/2020

EXT.R2(G): COPY OF THE GO(P)NO.353/2020/SJD DATED  
28/7/2020

EXT.R2(H): COPY OF THE GO(MS) NO.254/2018/SJD DATED  
30/4/2018

EXT.R2(I): COPY OF THE CIRCULAR NO.SJD-B2/406/2019-SJD  
DATED 22/2/2020

ANNEXURE A1: COPY OF THE GO(RT) NO.254/2018/SJD DATED  
30/4/201

**APPENDIX OF WP (C) 12966/2021**

## PETITIONER EXHIBITS

Exhibit P1	A PHOTOCOPY OF THE COMMON ORDER IN WA 1479/2010 AND CONNECTED CASES DATED 29.09.2010.
Exhibit P2	A TRUE COPY OF THE REQUEST OF THE 1ST PETITIONER DATED 25.05.2021 BEFORE THE 6TH RESPONDENT.
Exhibit P3	A TRUE COPY OF THE REQUEST OF THE 2ND PETITIONER DATED 25.05.2021 BEFORE THE 6TH RESPONDENT.
Exhibit P4	A TRUE COPY OF THE REQUEST OF THE 3RD PETITIONER DATED 21.06.2021 BEFORE THE 6TH RESPONDENT.
Exhibit P5	A TRUE COPY OF THE REQUEST OF THE 4TH PETITIONER DATED 23.06.2021 BEFORE THE 6TH RESPONDENT.
Exhibit P6	A TRUE COPY OF THE REQUEST OF THE 5TH PETITIONER DATED 21.06.2021 BEFORE THE 6TH RESPONDENT.
Exhibit P7	A TRUE COPY OF THE UNDATED REQUEST REQUEST OF THE 6TH PETITIONER BEFORE THE 6TH RESPONDENT.
Exhibit P8	A TRUE COPY OF THE REQUEST OF THE 7TH PETITIONER DATED 22.06.2021 BEFORE THE 6TH RESPONDENT.
Exhibit P9	A TRUE COPY OF THE UNDATED REQUEST OF THE 8TH PETITIONER BEFORE THE 6TH RESPONDENT.
Exhibit P10	A TRUE COPY OF THE REQUEST OF THE 9TH PETITIONER DATED 20.05.2021 BEFORE THE 7TH RESPONDENT.
Exhibit P11	A TRUE COPY OF THE REQUEST OF THE 10TH PETITIONER DATED 15.05.2021 BEFORE THE 7TH RESPONDENT.
Exhibit P12	A TRUE COPY OF THE REQUEST OF THE 11TH

PETITIONER DATED 10.05.2021 BEFORE THE 8TH  
RESPONDENT.

Exhibit P13

A TRUE COPY OF THE INTERIM ORDER DATED  
27.04.2021 IN WPC NO.9951/2021.

RESPONDENTS EXHIBITS:

EXT.R2(A): COPY OF THE GO(MS) NO.60/2014/SJD DATED 19/7/2014

EXT.R2(B): COY OF THE JUDGMENT IN WPC NO.11653/2014 AND CONNECTED CASES.

EXT.R2(C): COPY OF THE GO(RT) NO.1863/2021/FIN.DATED 26/2/2021.

EXT.R2(D):COPY OF THE GO(MS) NO.04/2015/SJD DATED 17/1/2015

EXT.R2(E): COPY OF THE GO(P) NO.12/02/WD DATED 10/4/1992.

EXT.R2(F): COPY OF GO(P)NO.1/2020/SJD DATED 16/1/2020

EXT.R2(G): COPY OF THE GO(P)NO.353/2020/SJD DATED 28/7/2020

EXT.R2(H): COPY OF THE GO(MS) NO.254/2018/SJD DATED 30/4/2018

EXT.R2(I): COPY OF THE CIRCULAR NO.SJD-B2/406/2019-SJD DATED 22/2/2020

ANNEXURE A1: COPY OF THE GO(RT) NO.254/2018/SJD DATED 30/4/2018