



2025:KER:17959

WP(C) NO. 19307 OF 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

WP(C) NO. 19307 OF 2024

PETITIONER/S:

- 1 GIRIJA.R,
AGED 62 YEARS
ANGANWADI WORKER, ANGANWADI CENTER NO.102,
KIZHAKKECHITRAVELI, KALARCODE, ALAPPUZHA-688 003.
(NANDANAM', VETTUVENI, HARIPAD, ALAPPUZHA)., PIN -
690514
- 2 PRASANNAKUMARI.K
AGED 62 YEARS
ANGANWADI HELPER, ANGANWADI CENTER NO.27, KRISHNAPURAM,
ALAPPUZHA-690 533. (MECHERIMADAM', NADUBHAGAM,
CHAMPAKKULAM, ALAPPUZHA)., PIN - 688505

BY ADVS.
B.RAGHUNATHAN
M.SALIM
DR.STANLY CHAZHOOR
R.SRINATH
K.JALADHARAN
V.M.JACOB

RESPONDENT/S:

- 1 UNION OF INDIA
REPRESENTED BY, SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT, SASTHRI BHAVAN,
NEW DELHI., PIN - 110001
- 2 STATE OF KERALA REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT SOCIAL JUSTICE
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.,



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PIN - 695001

- 3 DIRECTOR,
WOMEN AND CHILD DEVELOPMENT DEPARTMENT, POOJAPPURA,
THIRUVANANTHAPURAM., PIN - 695012
- 4 CHILD DEVELOPMENT PROJECT OFFICER (URBAN) ,
INTEGRATED CHILD DEVELOPMENT PROJECT OFFICE, MINI CIVIL
STATION, ALAPPUZHA., PIN - 688013
- 5 CHILD DEVELOPMENT PROJECT OFFICER,
INTEGRATED CHILD DEVELOPMENT SCHEME, CHAMPAKULAM, MANKOMBU,
ALAPPUZHA., PIN - 688503

BIMALK NATH-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT

1. The petitioners are retired Anganwadi Workers. They have approached this Court in this writ petition to allow them to continue in service until they attain the age of 65 years.

2. The petitioners have no right to continue till they attain the age of 65 years in terms of the relevant Rules. The age of retirement of the Anganwadi Workers is 62 years. What should be the age of retirement is a policy decision and this Court cannot extend the age of retirement in exercise of its jurisdiction under Article 226 of the Constitution of India. Therefore, the prayer of the petitioners to allow them to continue up to 65 years has no basis and substance and, therefore, the writ petition to that extent is dismissed.

3. In the Judgment passed by this Court long back in W.A. No. 1479 of 2010 and other connected writ appeals, this Court held the view that what should be age of retirement of an employee is a policy decision and this Court could not prescribe on its own the retirement age. However, it was observed that if no recruitment



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was made against the vacancies caused by the retirement of the Anganwadi Workers, the Anganwadi Workers who had retired could be engaged on contract basis so that the work would not suffer.

4. Considering the aforesaid Judgment and the facts of the case, the present writ petition is disposed of with liberty to the respondents to engage the petitioners if there is work on contract basis till the regular employment is made.

Sd/-

D. K. SINGH
JUDGE

SJ



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APPENDIX OF WP(C) 19307/2024

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF ORDER IN WA NO.1465 OF 2010 DATED 31.8.2010.
Exhibit P2	TRUE COPY OF JUDGMENT IN WA NO.1465 OF 2010 DATED 29.9.2010.
Exhibit P3	TRUE COPY OF CIRCULAR NO.ICDS B4/24506/18 DATED 23.2.2021 ISSUED BY 3RD RESPONDENT.
Exhibit P4	TRUE COPY OF JUDGMENT IN WP(C)NO.11348 OF 2021 AND CONNECTED CASES DATED 16.12.2021 OF THIS HON'BLE COURT.
Exhibit P5	TRUE COPY OF INTERIM ORDER PASSED IN WP(C)NO.14253 OF 2022 DATED 22.4.2022 OF THIS HON'BLE COURT.
Exhibit P6	TRUE COPY OF INTERIM ORDER PASSED IN WP(C)NO.12319 OF 2022 DATED 26.4.2022 OF THIS HON'BLE COURT.
Exhibit P7	TRUE COPY OF THE RELIEVING CERTIFICATE DATED 30.4.2024 ISSUED BY 4TH RESPONDENT TO 1ST PETITIONER.
Exhibit P8	TRUE COPY OF THE RELIEVING CERTIFICATE DATED 30.4.2024 ISSUED BY 5TH RESPONDENT TO 2ND PETITIONER.
Exhibit P9	TRUE COPY OF ORDER IN WP(C)NO.15421 OF 2022 DATED 6.5.2022 OF THIS HON'BLE COURT.
Exhibit P10	TRUE COPY OF ORDER IN WP(C)NO.14592 OF 2023 DATED 25.4.2023 OF THIS HON'BLE COURT.
Exhibit P11	TRUE COPY OF ORDER IN WP(C)NO.16350 OF 2024 DATED 23.4.2024 OF THIS HON'BLE COURT.
Exhibit P12	TRUE COPY OF THE LAWYER'S NOTICE ADDRESSED TO 5TH RESPONDENT DATED 13.6.2024.