

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WA.No. 1020 of 2007 (B) IN OP.16308/1998

AGAINST THE ORDER/JUDGMENT IN OP 16308/1998 of HIGH COURT OF KERALA
DATED 23-05-2006

APPELLANT(S)/PETITIONER:

DR.(MRS) SAJI FRANCIS
LECTURER IN PATHOLOGY, DEPARTMENT OF PATHOLOGY
MEDICAL COLLEGE, KOZHIKODE-673 008, KERALA.

BY ADV. SRI.R.RAGHUKUMAR (ALUVA)

RESPONDENT(S)/RESPONDENTS:

1. GOVERNMENT OF KERALA REPRESENTED BY
THE CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. THE PRINCIPAL,
MEDICAL COLLEGE, KOZHIKODE.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.A.No. 1020 of 2007

Dated this the 17th July, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the appellant and the learned Government Pleader.

2. This Writ Appeal has been filed against the judgment dated 23.5.2006 in O.P.No.16308 of 1998. The petitioner had filed the Original Petition seeking for a direction to grant service benefits to the petitioner for the period commencing from 30.8.1996 to 31.1.1998. While a Post Graduate student, the petitioner got appointment to the post of Tutor in the Medical College on 30.8.1996. The petitioner joined the service on 30.8.1996 and took leave without allowance for continuing her Post Graduate Course. The Original Petition was dismissed by the learned Single Judge. The petitioner in the Original Petition relied on the Lecturer-Trainee Scheme, where those who come under the scheme will continue to work as Lecturers and draw salary and other benefits while studying for the P.G. Degree also.

3. From the facts brought on record it is clear that the petitioner has not opted to continue to work as Tutor, but on the other hand, took leave without allowance and continued as a full time student. The Scheme provides the benefit only when the petitioner continues to work as Lecturer or Tutor while continuing the studies. The petitioner was not entitled for the benefit of the period as claimed by the petitioner. Neither the petitioner has worked as Tutor nor has received salary for the respective period. We do not find any error in the judgment of the learned Single Judge. The Writ Appeal is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs