

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WP(C).No. 2311 of 2006 (A)

PETITIONER(S):

**ASHLY JERALD, S/O.CHARLES DAVID,
PART TIME (HINDI) TEACHER, B.E.M.U.P.SCHOOL, PUTHIYARA,
CALICUT.**

BY ADV. SRI.R.PARTHASARATHY

RESPONDENT(S):

- 1. THE ASSISTANT EDUCATIONAL OFFICER,
KOZHIKODE.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.**
- 3. THE CORPORATE MANAGER, ALL C.S.I. SCHOOLS
IN MALABAR AND WAYANAD, BANK ROAD, CALICUT - 673 001.**

R1 & R2 BY GOVERNMENT PLEADER SRI.SOJAN JAMES

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 2311 of 2006 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER AND THE APPROVAL OF
APPOINTMENT AS FULL TIME TEACHER.**

**EXT.P2: TRUE COPY OF THE ORDER PROMOTING PETITIONER TO THE POST OF
PEON DTD.27.7.2004.**

**EXT.P3: TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY 3RD RESPONDENT
DTD.20.10.2005.**

EXT.P4: TRUE COPY OF THE CIRCULAR NO.23523/J1/89/G.EDN. DTD.6.11.1989.

**EXT.P5: TRUE COPY OF THE LETTER DTD.18.6.1990 ISSUED BY THE DEO,
ERNAKULAM.**

**EXT.P6: TRUE COPY OF THE ORDER BY AEO, KOZHIKODE DTD.11.11.2005
RETURNING THE SALARY BILL.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms^v/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 2311 of 2006

Dated this the 17th day of November, 2015

J U D G M E N T

The petitioner is working as Part Time (Hindi) Teacher in B.E.M. U.P. School, Puthiyara, Kozhikode. The petitioner alleges that he was promoted from the post of Peon to the post of Part Time (Hindi) Teacher. Since, there were disputes pending regarding the appointments made by the 3rd respondent Manager prior to the petitioner's appointment, the petitioner's appointment as Part Time (Hindi) Teacher from 25.08.2005 has not been approved. According to the petitioner, as per Ext.P4 circular issued by the Government, he is entitled to the salary at the rate applicable to the lower post till approval in the promoted post. He further alleges that he was not being paid any salary from 25.08.2005 and has not been paid bonus and festival allowance for the year 2005. Hence, this writ petition.

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2. This Court, as per interim order dated 25.01.2006, directed the respondents to pay salary in the post of Peon to the petitioner until his right for approval of appointment in the post of Part Time (Hindi) Teacher is considered and decided.

As the very purpose sought to be achieved by the filing of this writ petition has been served, the writ petition is closed making the interim of absolute.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/17.11.2015