

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

RP.No. 655 of 2015 (I)

AGAINST THE JUDGMENT IN WP(C).NO. 29286/2014 DATED 24/02/2015

REVIEW PETITIONER(S)/R3:

**K.P.CHITHRALEKHA
SENIOR ASSISTANT, KELALUR U.P.SCHOOL, P.O.MAMBRAM
KANNUR DISTRICT-670741.**

BY ADV. SRI.P.M.PAREETH

RESPONDENT(S)/WRIT PETITIONER R1,2:

**1. P.K.SHEENA
HEADMISTRESS, KELALUR U.P.SCHOOL, P.O.MAMBRAM
KANNUR DISTRICT-670741.**

**2. ASSISTANT EDUCATIONAL OFFICER
THALASSERY NORTH, KANNUR DISTRICT-670101.**

**R1 BY SENIOR ADVOCATE SRI.PRAVINDRAN
BY ADVS. SRI.SREEDHAR RAVINDRAN
SRI.K.PRAVEEN KUMAR
R2 BY GOVT. PLEADER SRI. GIKKU JACOB**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 18-11-2015,
ALONG WITH RP NO. 699/2015 & RP NO. 950/2015, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

RP.No. 655 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 PHOTOCOPY OF THE APPOINTMENT ORDER DATED 11.11.12 ISSUED
BY THE MANAGER AND PRODUCED AS R5(a) IN WP(C) NO. 13971/14.**

**EXT.P2 PHOTOCOPY OF THE ORDER NO. G4 77994/12/DPI/KDIS DATED 13.2.13
OF THE DPI.**

RESPONDENT'S EXHIBITS :

EXT.R1(a) : COPY OF THE ORDER DATED 17.3.12.

**EXT.R1(b) : COPY OF THE PROCEEDINGS OF THE ASSISTANT EDUCATIONAL
OFFICER DATED 21.7.2014.**

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

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R.P No.655 of 2015 in W.P.(C) No.29286 of 2014

R.P No.699 of 2015 in W.P.(C) No.13971 of 2014

&

R.P No.950 of 2015 in W.P.(C) No.32710 of 2014

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Dated this the 18th day of November, 2015

J U D G M E N T

The review petitioner was a party in W.P.(C) No.13971 of 2014 and W.P.(C) No.29286 of 2014 and was not a party in W.P.(C) No.32710 of 2014. She sought a leave to file a review in W.P.(C) No.32710 of 2014 and the leave was granted. All issues in this review petition is a common issue related to approval of appointment of P.K Sheena, writ petitioner in W.P.(C) No.13971 of 2014 and W.P.(C) No.29286 of 2014.

2. This Court upholding appointment of P.K Sheena as Head Mistress in the U.P school, directed the official respondents to approve the appointment of P.K Sheena with effect from 12.4.2012 and directed to disburse her salary and allowances.

3. The review petitioner is another teacher in the school was holding the post of Head Mistress with effect from

1.11.2012 till 30.5.2014. According to her, the appointments were approved and that she has drawn salary during the period. It is further submitted that this Court had ignored her approval and drawal of salary during the aforesaid period.

4. It is obvious that this Court did not advert to the approval of the review petitioner during the period of 1.11.2012 upto 30.5.2014. Approval order has been produced as R5(a) in the W.P.(C) No.13971 of 2014. The main ground of the review petition is that since the original writ petitioner P.K Sheena did not work during the above period, salary already drawn by the review petitioner need to be protected.

5. This Court is of the view that since the review petitioner had worked from 1.11.2012 upto 30.5.2014 without prejudice to the right of P.K Sheena to claim her right to the post of Head Mistress with effect from 12.4.2012, the salary already drawn by the review petitioner shall be protected. Therefore P.K sheena will be entitled for salary only with effect from 31.5.2014 onwards. Review accordingly allowed to the above

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&
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limited extent. In view of the above, any recovery proceedings initiated against the review petitioner shall be dropped.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE