

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

RP.No. 812 of 2015

AGAINST THE JUDGMENT IN W.P.(C).NO.19978/2015, DATED 03-07-2015

REVIEW PETITIONER(S)/RESPONDENTS 1 TO 4 IN WP(C) :

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT EDUCATIONAL OFFICER
ATTINGAL-695 101.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
NEYATTINKARA.**
- 4. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SMT.LILLY.K.T

RESPONDENT(S)/PETITIONERS AND RESPONDENTS 5 & 6 IN WP(C) :

- 1. M.S.SHIBU, AGED 32 YEARS,
PHYSICAL EDUCATION TEACHER,
LIGHT TO THE BLIND SPECIAL SCHOOL, VARKALA, PIN-695 141.**
- 2. T.R.SOUMYA GEORGE,
HSA (PHYSICAL SCIENCE), VRINDAVAN HS, VLATHANKARA,
NEYATTINKARA-6951 21.**
- 3. THE MANAGER,
LMS SCHOOLS, PALAYAM, THIRUVANANTHAPURAM-695 001.**
- 4. THE MANAGER,
VRINDAVAN HS, VLATHANKARA, NEYATTINKARA-695 121.**

R1 & R2 BY ADV. SRI.S.RAMESH

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

R.P. No. 812 of 2015
in
W.P.(C). No. 19978 of 2015

Dated this the 13th day of October, 2015

ORDER

The review petition is filed seeking a review of the judgment dated 03.07.2015 in WP(C) No.19978 of 2015 to the extent it directs that the petitioner shall be paid vacation salary during the relevant academic year. In the review petition, the review petitioner relies on Rule 49 of Chapter XIV A of KER, to content that, inasmuch as the petitioners did not satisfy the minimum requirement of eight months in the academic year, they would not be entitled to draw vacation salary. The learned counsel for the respondent however, would refer to the express provisions of Rule 49 of Chapter XIV A KER, which states that, qualified teachers except Headmasters appointed in vacancies which are not permanent which extend over the summer vacation and who continue in such vacancies till the closing date shall be retained in the vacancies during the vacation, if their continuous service as on the closing day is not less than eight months. It is contended that the requirement of having a minimum of eight months service, as a condition for drawing vacation salary, is applicable only for qualified teachers, who are appointed in vacancies, which are not permanent. It is stated that, inasmuch as the appointment of the

writ petitioners, was to permanent vacancies, the said requirement of eight months will not apply in the case of the writ petitioners as a condition for obtaining vacation salary.

I find force in the said contention of the learned counsel for the writ petitioners inasmuch as the express provisions of Rule 49 Chapter XIV A of the KER, do not make the condition of minimum eight months service applicable to persons, who have been appointed against permanent vacancies. I, therefore, find no merit in the review petition, which is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE