

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

RP.No. 816 of 2015 (W) IN WP(C).30984/2014

**AGAINST THE ORDER/JUDGMENT IN WP(C) 30984/2014 of HIGH COURT OF KERALA
DATED 24/02/2015**

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

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO
GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER
KANJIRAPPALLY 686 507.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER
KARUKACHAL 686 540.**

BY ADV. GOVERNMENT PLEADER SMT.RAJASREE

RESPONDENT(S)/PETITIONER & 5TH RESPONENT IN WPC:

- 1. BEENA RAJU
W/O.CHACKO RAJU, KALLUPALATHINKAL HOUSE
KALLISSERY P.O., CHENGANNOOR
ALAPPUZHA (HIGH SCHOOL ASSISTANT (HINDI)
N.M.HIGH SCHOOL, KARIAMPLAVE, PIN: 689 121.**
- 2. THE CORPORATE MANAGER
NOEL MEMORIAL CORPORATE SCHOOLS, KUMBANAD P.O.
THIRUVALLA, PATHANAMTHITTA 689 574.**

BY SRI.S.SUBHASH CHAND

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 6-10-2015, THE
COURT ON 13/10/2015 PASSED THE FOLLOWING:**

A.M. SHAFFIQUE, J.

=====

R.P.No.816 of 2015

in

W.P. (C) No. 30984 of 2014

=====

Dated this, the 13th day of October, 2015

O R D E R

This review is filed by the State and its authorities seeking to review judgment dated 24/2/2015 by which this Court quashed Ext.P24 to the limited extent of indicating that Circular dated 10/5/2012 and modified by Circular dated 6/11/2012 have no application to the case of the petitioner and the petitioner shall be treated as appointed with effect from 5/6/2012 on regular basis.

2. The learned Government Pleader while seeking for review submits that the impact of the Government Circular has not been considered by this Court. The order impugned, Ext.P24, clearly referred to Circular dated 10/5/2012 which was modified in terms of Circular dated 6/11/2012. I have already held in the judgment as under;

"Reference to the circular dated 6/11/2012 and the previous circular dated 10/15/2012 (Ext.P15) clearly

R.P.No.816 of 2015
in
W.P. (C) No. 30984 of 2014

-:2:-

indicates that daily wage appointment applies only for fresh hands and the same cannot be applied to persons claiming appointment under Rule 51A under Chapter XIVA. This position has been held by this Court in Ciji P.Jose. V State of Kerala (2012 (1) KLT 867)".

The review petition is filed specifically on the ground that the Circulars dated 10/5/2012 and 6/11/2012 have not been considered. In fact, that was the main issue considered by me in the aforesaid judgment. The law in this regard has been well settled by a long line of judgments as well. Under such circumstances, the relief sought for to review the judgment is absolutely baseless and accordingly the review petition is dismissed.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//
PS to Judge