

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 1389 of 2007 (M)

PETITIONER(S) :

ABDU RAHIMAN KAIDARA, S/O.KUTTIRAYIN,
AGED 52 YEARS, ASSISTANT TEACHER, G.L.P.SCHOOL
PAVANNA, ARECODE SUB DISTRICT, MALAPPURAM DISTRICT
RESIDING AT: SAHLA MANZIL, KURIKKALAMPAD
P.O.POOVATHIKKAL, ARECODE VIA, MALAPPURAM DISTRICT 673 639

BY ADVS.SMT.LATHA PRABHAKARAN
SRI.K.M.JAMALUDHEEN

RESPONDENT(S) :

THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT
THIRUVANANTHAPURAM.

R BY GOVERNMENT PLEADERSHEI.ABHIJETT LESSIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 1389/2007

PETITIONER'S EXTs:

EXT.P1: TRUE COPY OF ORDERS DT.9.11.2004 ISSUED BY RESPONDENT
BEARING NO:28717/B1/04/G.EDN

EXT.P2: -DO- OF RESPONDENT NO:GO(T)696/84/G.EDN. DT.3.3.84

EXT.P3: -DO- REVIEW PETITION DT,3,1,2005 SENT BY PETITIONER TO
RESPONDENT

EXT.P4: -DO- REMINDER TO REVIEW PETITION DT.20.11.2006 SENT BY
PETITIONER TO RESPONDENT

JJ

/TRUE COPY/

P.S.TO JUDGE

K. SURENDRA MOHAN,J.

W.P(C) NO. 1389 OF 2007

Dated this the 17th March, 2015.

JUDGMENT

The petitioner has filed this writ petition seeking the following reliefs:-

“i) Declare that the petitioner is eligible to get his pay and services protected for the period of his service at aided school prior to joining government school.

ii) Issue a writ of mandamus or any other writ, order or direction directing the respondent to protect the pay and service of the petitioner for the period of his service at aided school from 1.7.1975 to 13.2.2001 prior to his joining government school

or in the alternative

iii) Issue appropriate writ, order or direction directing the respondent to consider and pass orders in Exts.P3 and P4 without delay

AND

iv) Issue such other appropriate writs, orders or directions as this Hon'ble Court may deem just, fit and proper to grant on the facts and circumstances of the case

and in the interest of justice.”

2. The petitioner entered service in an aided School on 1.7.1975 as Junior Language Arabic Teacher. He worked in the aided School for a period of 25 years, it is contended. Thereafter, he joined the Government Lower Primary School, Pulath on 14.2.2001. The contention of the petitioner is that, since he has got only a period of ten years service in the Government School, he is entitled to the benefit of his past service in the aided School. He seeks the issue of appropriate directions for reckoning his past aided School service for the purpose of fixing his salary and other benefits. According to the counsel for the petitioner, the petitioner has retired during the pendency of this writ petition. The Govt. Pleader appears for the respondent.

2. Having heard the counsel appearing for the petitioner as well as the Govt. Pleader, I am not satisfied that the petitioner is entitled to any of the reliefs sought for in this writ petition. According to the counsel for the petitioner, there

are Government Orders in existence by which certain concessions have been granted to similarly placed teachers. If so it is for the petitioner to take up the matter with the respondent on the basis of such Government Orders and to seek appropriate reliefs in the matter.

In view of the above this writ petition is dismissed, without prejudice to the rights of the petitioner to approach the respondent seeking appropriate reliefs.

Sd/-
K. SURENDRA MOHAN
Judge

jj

/True copy/

