

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

RP.No. 794 of 2014 () IN WP(C).31442/2013

AGAINST THE JUDGMENT IN WP(C) 31442/2013 DATED 24-01-2014

REVIEW PETITIONER(S):RESPONDENTS

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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001
 2. THE DIRECTOR, HIGHER SECONDARY EDUCATION DEPARTMENT, HOUSING BOARD BUILDINGS, SANTHI NAGAR TRIVANDRUM-695001.
 3. THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION, REGIONAL OFFICE, TRIVANDRUM-695001.

BY GOVERNMENT PLEADER SRI.P.PADMALAYAN

RESPONDENT(S):PETITIONER

SAJI P.S,
HIGHER SECONDARY SCHOOL TEACHER (JUNIOR) COMMERCE
VIVEKANANDA VOCATIONAL HIGHER SECONDARY SCHOOL
POREDAM, KOLLAM-691534

BY SRI.MATHEW JOHN. K

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 09-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.P.794/2014

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE I: THE RELEVANT PAGE OF THE SERVICE BOOK OF THE RESPONDENT AS SOUGHT LEAVE WITHOUT ALLOWANCE FROM 22.01.2005 TO 15.10.2005.

ANNEXURE II: PHOTOCOPY OF THE ORDER APPROVING THE APPOINTMENT OF THE RESPONDENT DATED 01.03.2008.

ANNEXURE III: THE RELEVANT EXTRACT OF THE SERVICE BOOK OF THE RESPONDENT APPROVED W.E.F 01.03.2006.

ANNEXURE IV: THE G.O(MS)NO.9/2014/G.EDN DTD.08.01.2014.

RESPONDENT'S EXHIBITS:NIL

//TRUE COPY//

P.A.TO JUDGE

C.T. RAVIKUMAR, J.

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R.P. No.794 OF 2014

IN

W.P.(C).No.31442 OF 2013

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Dated this the 9th day of November, 2015

ORDER

This review petition is filed against judgment dated 24.1.2014 in W.P.(C).No.31442 of 2013. A perusal of the said judgment would reveal that the writ petition was disposed of taking note of G.O.(MS) No.9/2014/G.Edn dated 08.01.2014 which was then made available by the learned Government Pleader. A ground has been taken up in the review petition to the effect that since the petitioner was a provisional appointee, the said G.O is inapplicable in his case. Along with the review petition, extract of the service particulars of the writ petitioner has been produced as Annexure-I. Though in column No.5, nature of appointment of the writ petitioner has been described as temporary and provisional, in the remarks column, it is described as hereunder:-

“The appointment from 30.6.2003 approved subject to acquiring B.Ed degree within 5 years from the date of appointment.”

Annexure-I itself would reveal that the writ petitioner was granted permission for admission to B.Ed degree which is obligatory for appointment as HSST and he was relieved from duty with effect from 22.01.2005. That apart, it is specifically stated therein that his probation would be declared only after the acquisition of B.Ed Degree. In the light of the endorsement in Annexure-I that probation could be declared only after acquiring B.Ed degree, it is evident that the appointment of the petitioner cannot be said to be provisional in the strict sense and in fact, it is a regular appointment subject to the condition that probation could be declared only after acquiring B.Ed. degree. As noticed hereinbefore, Annexure-I itself would reveal that his appointment was approved with such a condition and moreover, the acquisition must also be within a period of 5 years from the date of appointment. Where is the question of granting a purely provisional appointment for 5 years with a further condition that on such acquisition the probation would be declared. So also, declaration of probation is totally out of question as regards a purely temporary appointment. In such circumstances, I do not find any reason to

review the judgment in the light of Annexures-I to IV. After perusing the said documents and going through the pleadings in the review petition, I am of the view that no grounds have been made out for invoking the review jurisdiction. In such circumstances, this review petition has to fail and accordingly, it is dismissed.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

