

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WA.No. 1210 of 2015 () IN WP(C).18229/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 18229/2012 of HIGH COURT OF KERALA
DATED 20-01-2015

APPELLANT(S)/RESPONDENTS 1 TO 4:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANTHAPURAM
695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANTHAPURAM 695 001.
3. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD 678 001.
4. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD 678 001.

BY SR GOVERNMENT PLEADER SRI.M.A.FAYAZ

RESPONDENT(S)/PETITIONER & RESPONDENTS 5 & 6:

1. JOHN JOSEPH.S, HSA (NATURAL SCIENCE)
TAMIL MEDIUM, ST.PAULS HIGH SCHOOL,
KOZHINJAMPARA, PALAKKAD 678 555.
2. THE MANAGER, ST.PAULS HIGH SCHOOL,
KOZHINJAMPARA, PALAKKAD 678 555.
3. SRI.M.SOOSAI RAJ, ST.PAULS HIGH SCHOOL,
KOZHINJAMPARA, PALAKKAD 678 555.

R3 BY ADV. SRI.C.P.PRADEEP
R2 BY SRI.R.HARIKRISHNAN
R1 BY SRI.KALEESWARAM RAJ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

W.A.No.1210 of 2015

Dated this the 4th day of December, 2015

JUDGMENT

Antony Dominic, J.

- 1.This appeal is filed by respondents 1 to 4 in W.P(C). 18229/12, who are aggrieved by the interim order dated 20.1.2015, whereby, the learned single Judge directed them to pay salary together with arrears, if any, to the first respondent herein, after approving his appointment provisionally in the post of HSA (Natural Science) Tamil Medium, in the school, of which, the second respondent herein is the Manger, subject to satisfaction of his qualification.
- 2.We heard learned Government Pleader for the appellants, learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent.
- 3.The prayers in the writ petition itself would depend upon the question of correctness of the appointment of the first respondent as HSA (Natural Science) and one of the main prayers in the writ petition is for approval of his appointment and payment of salary

together with arrears. In such a writ petition, we are afraid, that an order in the nature of the one passed by the learned single Judge, which has an effect of granting final relief in the writ petition itself, could not have been granted. Therefore, we are unable to approve the view taken by the learned single Judge. Accordingly, the order dated 20.1.2015 is set aside. However, fact remains that the first respondent is working as HSA and is not being paid salary. In such circumstances, it is only desirable that the writ petition is heard as expeditiously as possible.

In the aforesaid circumstances, we allow the writ appeal with liberty to the first respondent to move for an earlier hearing of the writ petition.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
P.V.ASHA, Judge.

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PS to Judge