

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

W.A.No. 2358 of 2015 IN WP(C).17784/2015

APPELLANTS/RESPONDENTS 1 TO 3 IN THE WP(C):

1. STATE OF KERALA, REP.BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION
SANTHI NAGAR, THIRUVANANTHAPURAM.
3. REGIONAL DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.

BY SR. GOVERNMENT PLEADER SRI.M.A.FAYAZ

RESPONDENTS:

1. USHA .P.P, D/O M.V.GOVINDAN, HSST (JR),
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT EDAT,KANNUR.
2. PRAKASAN P,S/O ABRAHAM, HSST (JR),
CHAPPARAPPADAVA HSS, KANNUR, PRAPPOYIL, KANNUR.
3. SATHI.M., D/O P.DAMODARAN, HSST (JR),
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT KOROM, PAYYANNUR.
4. ANITHA KOONTHANAM, D/O C.NARAYANAN, WORKING AS HSST (JR)
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT CHERUPUZHA, KANNUR.
5. MANEESHA.N.S., D/O C.NARAYANAN, WORKING AS HSST (JR)
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT CHERUPUZHA, KANNUR.
6. THOMAS.T.J., S/O T.A.JOSEPH, WORKING AS HSST (JR),
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT CHERUPUZHA, KANNUR.
7. SIJIL.K., D/O KARUNAKARAN, WORKING AS HSST (JR),
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT MATHIL, KANNUR.
8. SHIJI.P.P, S/O JANARDHANAN, HSST,
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT SREEKANDAPURAM, KANNUR.
9. DHANYA.M.P, D/O NARAYANAN, HSST (JR),
CHAPPARAPPADAVA HSS, KANNUR, RESIDING AT EDAT, KANNUR.

10. ASHA.M.D., W/O XAVIER TONY, HSST (JR), MOOTHEDATH HSS,
RESIDING AT GLORIA, THRICHAMARAM, THALIPARAMBA.
11. PRAVEEB T., S/O A.K.BALAGOPALAN, HSST (JR), MOOTHEDATH HSS
THALIPARAMBA, RESIDING AT SARADA NIVAS, SEVENTH MILE, THALIPARAMBA.
12. JISHA M, W/O ANIL KUMAR, HSST, MOOTHEDATH HSS,
THALIPARAMBA, PALODAN VEETIL, THALIPARAMBA.
13. RAJITHA.K.P., W/O RAMAKRISHNAN, HSST, MOOTHEDATH,
HSS. THALIPARAMBA, RESIDING AT SREEPADAM, UTHIYOOR, MATTANNUR.
14. RIJU.K.P., S/O T.K.GOVINDAN, HSST, MOOTHEDATH, HSS THALIPARAMBA,
RESIDING AT JOO BHAVAN, MALAPPATTAM, SREEKANDAPURAM.
15. SUDHA.K.P., W/O SAJITH KUMAR, HSST (JR), MOOTHEDATH HSS,
RESIDING AT SURABHI, KIZHAKKENADA, THRICHAMARAM, THALIPARAMBA.
16. RASNAMOL P.V., W/O VINOD, HSST, MOOTHEDATH HSS, THALIPARAMBA,
RESIDING AT YASHAS, CHORUKKARA, KURUMATHUR.
17. SAPNA.K., W/O P.BMANOJ, HSST (JR), MOOTHEDATH HSS,
THALIPARAMBA, RESIDING AT THAPASIA, THRICHAMARAM, THALIPARAMBA.
18. CHAPPARAPADAVA HIGHER SECONDARY SCHOOL
REP. BY ITS MANAGER, CHAPPARAPADAVA, KANNUR.
19. MOOTHEDATH HIGHER SECONDARY SCHOOL, REP BY ITS MANAGER,
THALIPARAMBA, KANNUR.

R BY ADVSRI.NIDHI BALACHANDRAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 02-11-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

Writ Appeal No.2358 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the respondents in the Writ Petition No.17784/15 which was disposed of by judgment dated 15th June 2015. It is aggrieved by this judgment, the writ appeal is filed.

2. We heard the Government Pleader appearing for the appellants and Sri.Nidhi Balachandran appearing for the party respondents.

3. The writ petition was filed with the following prayers:

(1) to call for the records leading to the issuance of Ext.P3 order and quash the same to the extent it provides that the sanction for upgradation of the post of Higher Secondary School Teachers (Junior) as Higher Secondary School Teachers shall be with prospective effects from the date of Ext.P3 order.

(2) declare that the petitioners are entitled to upgradation of the posts of Higher Secondary School Teachers (Junior) in which they were appointed as Higher Secondary School Teachers with effect from the start of the academic year 2011-2012 and to issue a writ of mandamus or any other writ, order or direction directing the respondents to upgrade the posts of Higher Secondary School Teachers (Junior) in which they were appointed as Higher Secondary School Teachers with effect from the start of the academic year 2011-2012.

4. To substantiate the prayers, respondents placed reliance on Ext.P4 judgment of this Court in W.P.(C)No.20849/13. Reading of Ext.P4 judgment itself show that factually the said judgment is inapplicable to the case of the respondents. Therefore, the judgment under appeal, where the learned Single Judge has placed reliance on Ext.P4 and on that basis directed that Ext.P3 Government Order, in its application to the respondents, shall have effect from the commencement of the academic year 2011-12 and subject to physical verification as to whether they qualified to hold the post of HSST in terms of Rule 1(d) Chapter XXXII KER, is untenable.

For that reason, setting aside the judgment under appeal, this appeal is disposed of.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
P.V.ASHA
JUDGE

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