

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 3531 of 2012 (N)

PETITIONER(S) :

**REENA CATHERINE PAUL THEKKEKKARA,
HIGHER SECONDARY SCHOOL TEACHER, HIGHER GRADE,
COMMERCE, SACRED HEART HIGHER SECONDARY SCHOOL, THEVARA,
ERNAKULAM.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER SECONDARY EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR,
HIGHER SECONDARY EDUCATION DEPARTMENT,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM-695 001.**
- 3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, ERNAKULAM-682 011.**
- 4. THE PRINCIPAL,
SACRED HEART HIGHER SECONDARY SCHOOL, THEVARA,
ERNAKULAM-682 013.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : A TRUE COPY OF THE ORDER DATED 13.07.2006 BY
 THE 1ST RESPONDENT.**
- EXT.P2 : A TRUE COPY OF THE LETTER BY THE PETITIONER DATED 10.12.2010.**
- EXT.P3 : A TRUE COPY OF THE LETTER DATED 08.12.2010.**
- EXT.P4 : A TRUE COPY OF THE ORDER DATED 08.06.2011.**
- EXT.P5 : A TRUE COPY OF THE COMMON JUDGMENT IN W.A.NOS.2734/2007,
 1917/2008, 1935/2008 AND 2226/2008, DATED 14.01.2009.**
- EXT.P6 : A TRUE COPY OF THE ORDER DATED 03.02.2012 IN
 W.P.(C).NO.2896/2012.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 3531 of 2012

Dated this the 21st day of January, 2015

J U D G M E N T

The petitioner approached this Court for a direction to respondents 3 and 4 to accept the option, higher grade and pay revision, reckoning the period of leave as duty.

2. The petitioner was sanctioned leave for attending B.Ed. Course as per Ext.P1 order; and the petitioner was representing to the respondents to reckon the aforesaid period as service for the purpose of grant of higher grade, option and pay revision. Exts.P2 and P3 requests in that regard have been turned down by the 3rd respondent as per Ext.P4 communication addressed to the 4th respondent. The petitioner points out that Ext.P4 is bad in law in so far as the same runs contrary to the principles laid down in the pronouncement of this Court in Ext.P5 judgment. It was also pointed out that in exactly similar circumstances, this Court has issued an

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interim direction in favour of the petitioners therein requiring the respondents to sanction fixation of pay to them in the revised scale of pay and to grant higher grade reckoning the period of leave granted to them for attending the B.Ed.Course. The respondents postponed the benefit to the petitioner in the light of a Special Leave Petition pending against Ext.P5 judgment.

3. However, subsequently, this Court passed an interim order on 10.02.2012 directing respondents 3 and 4 to sanction the fixation of pay to the petitioner in the revised scale of pay as well as to grant higher grade reckoning the period of leave granted to them for attending the B.Ed.Course, making the same subject to the outcome of the Special Leave Petitions pending before the apex court. The petitioner was further directed to file an undertaking to that effect before the authorities concerned.

4. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that

eventually, the Special Leave Petition was dismissed.

5. The learned Government Pleader submitted that a portion of the period of leave applied for by the petitioner comes after amendment.

However, this Court is of the view that the above aspect is immaterial in granting the relief prayed for. Therefore, this Court is of the view that the interim order can be made absolute.

In the result, the writ petition is disposed of making the interim order absolute.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-