

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 4245 of 2009 (E)

PETITIONER(S):

1. M.P.GOVINDAN, RETIRED HEADMASTER
CHEKIAD EAST L.P., SCHOOL, MEETHAL PARAMBATH
HOUSE, KALLIKANDI PO, THUVAKUNNU
KANNUR DISTRICT
2. A.VIJAYARAGHAVAN, HEADMASTER
ANJAMPEEDIKA M.L.P.SCHOOL, ALIYUR PO
KOZHIKODE DISTRICT.
3. P.VASANTHAKUMARI, HEADMASTER
PANOOR WEST U.P.SCHOOL, PANOOR PO, KANNUR DISTRICT.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY
TO GOVERNMENT, DEPT. OF GENERAL EDUCATION
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
2. THE ACCOUNTANT GENERALA OF KERALA
THIRUVANNTHAPURAM.
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM.
4. THE ASSISTANT EDUCATIONAL OFFICER
NADAPURAM, KOZHIKODE.
5. THE ASSISTANT EDUCATIONAL OFFICER
PANOOR, KANNUR DISTRICT.

R BY ADV. GOVERNMENT PLEADER SRI. T R RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER OF APPOINTMENT DT 16.07.1985 OF THE 1ST PETITIONER, ISSUED BY THE MANAGER OF CHEKKIAD EAST L.P SCHOOL

EXT.P2: TRUE COOPY OF THE ORDER DT 10.05.88 IN SPECIAL LEAVE TO APPEAL (CIVIL) NO.5988/88 OF THE HON'BLE SUPREME COURT OF INDIA

EXT.P3: TRUE COPY OF THE G.O(MS) NO. 63/89/G.EDN. DT 8.6.89 ISSUED BY THE GOVERNMENT

EXT.P4: TRUE COPY OF THE CERTIFICATE BEARING NO. 14342/88 DT 6.12.88 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION

EXT.P5: TRUE COPY OF THE G.O(RT) 49+48/06/GE DT 15.11.06 ISSUED BY THE 1ST RESPONDENT

EXT.P5(a): TRUE COPY OF THE PROCEEDINGS NO.E3-7213/03] DT 24.6.2005 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION, THRISSUR

EXT.P5(b): TRUE COPY OF THE PROCEEDINGS NO .E3/22566/05 DD[E] DATED 29.9.2005 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION , THRISSUR

EXT.P5(c): TRUE COPY OF REVISION PETITION DT 28.3.2006 FILED BY SMT. K.C. MARY BEFORE THE GOVERNMENT

EXT.P6: TRUE COPY OF THE JUDGMENT DT 7.4.2006 IN W.P(C) NO. 10893/2006 OF THIS HON'BLE COURT

EXT.P7: TRUE COPY OF THE PROCEEDINGS NO. B3-5421/2006 DATED 5.4.2006 OF THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE

EXT.P8: TRUE COY OF THE PROCEEDINGS NO.275/L1/07/G.EDN DT 18/01/07 OF THE 1ST RESPONDENT

EXT.P9: TRUE COPY OF THE APPOINTMENT ORDER DT 1.6.87 OF THE 2ND PETITIONER, ISSUED BY THE MANAGER OF ANJAMPEEDIKA M.L.P SCHOOL

EXT.P10: TRUE COPY OF THE CERTIFICATE NO.6612/90 DT 11.5.90 ISSUD BY THE KERALA PUBLIC SERVICE COMMISSION

EXT.P11:TRUE COPY OF THE ORDER NO.L.DIS.D-4070/05 DT 3.10.05 ISSUED BY THE AEO, CHOMBALA

EXT.P12: TRUE COPY OF THE PETITION DT 10.10.2005 FILED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P13:TRUE CPY OF THE APPOINTMENT ORDER DT 2.4.88 ISSUED BY THE MANAGER OFPANOOR UP SCHOOL, PROMOTING THE 3RD PETITIONER AS HEADMISTRESS OF THE SCHOOL

EXT.P14; TRUE COPY OF THE CERTIFICATE NO.8053/89 DT 20.7.89 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION

EXT.P15:TRUE COPY OF THE PROCEEDING DT 29.5.01 OF THE DEPUTY DIRECTOR OF EDUCATION, KANNUR

EXT.P16: TRUE COPY OF G.O(P) NO.127/99/G.EDN DT 4.6.99 ISSUED BY THE 1ST RESPONDENT

EXT.P17: TRUE COPY OF THE REPRESENTATION DT 5.1.07FILED BY THE 3RD PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P18: TRUE COPY OF THE REPRESENTATION DT 28.2.07 SUBMITTED BY THE PETITIONERS ALONG WITH ANOTHER BEFORE THE 1ST RESPONDENT

EXT.P19: TRUE COPY OF THE JUDGMENT DT 25.5.2007 IN WPC NO14997/2007 OF THIS HON'BLE COURT

EXT.P20: TRUE COPY OF THE ORDER NO G3/24256/07/DPI/K.DIS DATED 18.12.2007 ISSUED BY THE 3RD RESPONDENT

EXT.P21: TRUE COPY OF THE G.O(RT) NO.4483/08/G.EDN DT 13.10.2008 ISSUED BY THE 1ST RESPONDENT

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 4245 of 2009

Dated this the 09th day of September, 2015

J U D G M E N T

The petitioners have filed the above writ petition contending that they are not paid pay scales applicable to the Headmasters, despite they having been promoted and posted as Headmasters. The learned Government Pleader alertly points out that only the approval of the 1st petitioner has been produced which according to him does not entitle the petitioner to the regular scale of pay. Ext.P1 order specifically indicates as under:

“Approved as Headmaster, Chekiad East LP School from 16.07.1985 to 31.03.1996 in the grade pay of primary teacher with supervision allowance.”

2. This is in accordance with Rule 1(1) of Chapter XXVI of the Kerala Education Rules which indicates that the Headmasters of an aided lower primary school or the Headmaster

of an aided Upper Primary School shall be given the scale of pay applicable to the Headmaster of Government Schools, only if he/she has put in a minimum of 15 years continuous service as teacher in schools recognised by the Government. Those Headmasters who have not put in such minimum service could only be sanctioned grade pay and supervision allowance as may be prescribed by the Government. Hence without a challenge to Ext.P1 there could be no prayer for regular scales of pay in the post of Headmaster. Petitioners 2 and 3 also have not produced their approval orders.

In such circumstance, the writ petition is devoid of merit and the same is dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge