

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).NO. 9 OF 2015 (A)

PETITIONER(S):

1. **A.P. PRASANTH,**
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
MOB NO.9947541179.
2. **AMRITHA K.N.,**
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
3. **SANTHI KRISHNA T.C.,**
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
4. **DEEPA C.,**
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
5. **KALLIANIKUTTY. K.,**
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
6. **GOPIKARANI. R.,**
HIGH SCHOOL ASSISTANT (MALAYALAM),
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
7. **SARIN.O.,**
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.
8. **SREEJA N.PANICKER,**
HIGH SCHOOL ASSISTANT (MALAYALAM),
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.

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**9. SACHIN. O.,
UPPER PRIMARY SCHOOL ASSISTANT,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.**

BY ADV. DR.GEORGE ABRAHAM.

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT EDUCATIONAL OFFICER,
MANNARKKAD, PALAKKAD DISTRICT.**
- 3. THE MANAGER,
DESABANDHU HIGHER SECONDARY SCHOOL,
THACHAMPARA, PALAKKAD DISTRICT.**

R1 & R2 BY SR. GOVT. PLEADER SRI.M.A. FAYAZ.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P-1: TRUE COPY OF THE APPOINTMENT ORDER DATED 30.07.2008 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER.
- EXT.P-2: TRUE COPY OF THE APPOINTMENT ORDER DATED 30.07.2008 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.
- EXT.P-3: TRUE COPY OF THE APPOINTMENT ORDER DATED 30.07.2008 ISSUED BY THE 3RD RESPONDENT TO THE 3RD PETITIONER.
- EXT.P-4: TRUE COPY OF THE APPOINTMENT ORDER DATED 30.07.2008 ISSUED BY THE 3RD RESPONDENT TO THE 4TH PETITIONER.
- EXT.P-5: TRUE COPY OF THE APPOINTMENT ORDER DATED 30.07.2008 ISSUED BY THE 3RD RESPONDENT TO THE 5TH PETITIONER.
- EXT.P-6: TRUE COPY OF THE APPOINTMENT ORDER DATED 30.07.2008 ISSUED BY THE 3RD RESPONDENT TO THE 6TH PETITIONER
- EXT.P-7: TRUE COPY OF THE APPOINTMENT ORDER DATED 29.06.2009 ISSUED BY THE 3RD RESPONDENT TO THE 7TH PETITIONER.
- EXT.P-8: TRUE COPY OF THE APPOINTMENT ORDER DATED 12.06.2008 ISSUED BY THE 3RD RESPONDENT TO THE 8TH PETITIONER.
- EXT.P-8(A): TRUE COPY OF THE APPOINTMENT ORDER DATED 01.06.2009 ISSUED BY THE 3RD RESPONDENT TO THE 8TH PETITIONER.
- EXT.P-9: TRUE COPY OF THE APPOINTMENT ORDER DATED 31.07.2008 AS FULL-TIME MENIAL ISSUED BY THE 3RD RESPONDENT TO THE 9TH PETITIONER.
- EXT.P-9(A): TRUE COPY OF THE APPOINTMENT ORDER DATED 03.10.2008 AS UPPER PRIMARY SCHOOL ASSISTANT ISSUED BY THE 3RD RESPONDENT TO THE 9TH PETITIONER.
- EXT.P-10: TRUE COPY OF THE JUDGMENT DATED 06.12.2013 IN WP(C).NO.3235/2011.
- EXT.P-11: TRUE COPY OF THE JUDGMENT DATED 12.11.2014 IN WP(C).NO.29999/2014.
- EXT.P-12: TRUE COPY OF GOVERNMENT ORDER G.O(RT) 1687/14/G.EDN DATED 02.05.2014.
- EXT.P-13: TRUE COPY OF THE REVISION FILED BY THE 1ST PETITIONER.

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EXT.P-14: TRUE COPY OF THE REVISION FILED BY THE 2ND PETITIONER.
EXT.P-15: TRUE COPY OF THE REVISION FILED BY THE 3RD PETITIONER.
EXT.P-16: TRUE COPY OF THE REVISION FILED BY THE 4TH PETITIONER.
EXT.P-17: TRUE COPY OF THE REVISION FILED BY THE 5TH PETITIONER.
EXT.P-18: TRUE COPY OF THE REVISION FILED BY THE 6TH PETITIONER.
EXT.P-19: TRUE COPY OF THE REVISION FILED BY THE 7TH PETITIONER.
EXT.P-20: TRUE COPY OF THE REVISION FILED BY THE 8TH PETITIONER.
EXT.P-21: TRUE COPY OF THE REVISION FILED BY THE 9TH PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.9 of 2015

Dated this the 5th day of January, 2015

J U D G M E N T

The petitioners were appointed as Upper Primary School Assistants/High School Assistants at Desabandhu Higher Secondary School, Thachampara, Palakkad District. Petitioners submit that the said appointment were not approved by the department on regular scale of pay basis from the respective dates of their initial appointments. The petitioner relies on the judgment of the Supreme Court in **State of Kerala v. Sneha Cheirian** [2013 (1) KHC 660]. It is submitted that if the vacancies existed beyond the academic year, approvals shall be made on regular time scale basis. The petitioner therefore filed revision under Rule 92 of Chapter XIV-A KER before the 1st respondent. Exts.P13 to P21 are the revisions filed by the petitioners.

2. In view of Exts.P13 to P21, there shall be a direction to the 1st respondent to consider the above revisions in the light of Sneha Cherian's case (supra) within a period of three months from

the date of receipt of a copy of this judgment after hearing any one among the petitioners.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/