

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 272 of 2015 (H)

PETITIONER :

**K. M. SABU, AGED 37 YEARS, S/O. GOPALAN,
HIGH SCHOOL ASSISTANT (ENGLISH),
VADAKKUMBADU HIGH SCHOOL P.O. PALERI,
KOZHIKODE DISTRICT - 673508.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENTS :

- 1. THE STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695001**
- 2. THE DISTRICT EDUCATIONAL OFFICER
BADAGARA, KOZHIKODE DISTRICT - 673501.**
- 3. THE MANAGER, VADAKKUMBADU HIGH SCHOOL
P.O. PALERI, KOZHIKODE DISTRICT - 673508**

BY SENIOR GOVERNMENT PLEADER SRI. V. VIJULAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DT 16/6/2008.
- P2: COPY OF THE REVISED STAFF FIXATION ORDER DT 21/1/2011 OF THE R2.
- P3: COPY OF THE ORDER NO. K. DIS.B3-9634/10 DT 3/9/2011 OF THE R2.
- P3(a): COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.
- P4: COPY OF THE G.O.(P) NO. 104/2008/G.EDN. DT 10/6/2008 OF THE GOVERNMENT.
- P5: COPY OF THE G.O.(P) NO.144/2013/G.EDN. DT 22/4/2013 OF THE GOVERNMENT.
- P6: COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DT 15/12/2014.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 272 of 2015

Dated this the 6th day of January, 2015

J U D G M E N T

The petitioner claims that he was appointed as High School Assistant (English) from 16.6.2008 onwards in the Vadakkumbadu High School, Paleri against an additional division vacancy during 2008-2009. The petitioner submits that the duration of vacancy is more than one year and therefore it has to be approved as regular. However it is submitted that appointment from 31.3.2009 was approved only as daily wages as per Ext.P3. The petitioner approached the Government by Ext.P6. The petitioner submits that he is entitled for approval for his appointment from 16.6.2008 onwards in scale of pay basis.

2. Having regard to the factual situation, I am of the view that this writ petition can be disposed of in the light of the decisions of the Hon'ble Supreme Court in **State of Kerala v. Sneha Cheriyan** [2013 (1) KLT 755] and the judgment of this Court in **Unni Narayanan v. State of Kerala** [2009 (2) KLT 604]. There shall be a

direction to the 1st respondent to consider and pass appropriate orders on Ext.P6 after affording an opportunity of hearing to the petitioner within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/