

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No.1625 of 2015 (C)

PETITIONERS:

1. REMIMOL JOSEPH,HSST (JR) ECONOMICS,
VARAKKAD HSS,KASARAGOD.
2. ANU TRESA PALLIPURAM,HSST (JR) MALAYALAM,
ST.MARY'S HSS,KALLANODE,KOZHIKODE.
3. SHANTO MATHEW,HSST (JR), ZOOLOGY,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
4. SREEJITH S.R,HSST (JR) POLITICAL SCIENCE,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
5. TERENCE JACOB,HSST (JR) ENGLISH,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
6. ARCHAND.D,HSST (JR) HISTORY,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
7. JENNT JOSE,HSST (JR) HISTORY,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
8. SOUMYA RAJENDRAN,HSST (JR) CHEMISTRY,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
9. JISHA GEORGE,HSST (JR) ECONOMICS,
ST.THOMAS HSS,NADAVAYAL.
10. SEENA SKARIA,HSST (JR) PHYSICS,
ST.THOMAS HSS,NADAVAYAL.
11. SABITHA P. GEORGE,HSST (JR) SOCIOLOGY,
ST.THOMAS HSS,NADAVAYAL,WAYANAD.
12. ATHIRA.D,HSST (JR) BOTANY,CHM HSS,
KAVUPADY,IRITTY,KANNUR.
13. SHIJTA K.MATHEW,HSST (JR) ZOOLOGY,
CHM HSS,KAVUPADY,IRITTY,KANNUR.
14. YUSAF PUNNAKKAL,HSST (JR) ARABIC,
CHM HSS,ELAYAVOOR,IRITTY,KANNUR.

WP(C).No.1625 of 2015 (C)

15. HABEEBU RAHMAN K.P,HSST (JR) PHYSICS,
CHM HSS,ELAYAVOOR, IRITTY,KANNUR.
16. SIMNA K.C,HSST (JR),CHEMISTRY,CHM HSS,
ELAYAVOOR,IRITTY,KANNUR.
17. PRAVEEN T.C.,HSST (JR) ECONOMICS,
CHM HSS,ELAYAVOOR,IRITTY,KANNUR.
18. ARIF P.O,HSST (JR) POLITICAL SCIENCE,
CHM HSS,ELAYAVOOR,IRITTY,KANNUR.
19. MUJEEBA BEEGUM,HSST (JR) BOTANY,
CHM HSS,ELAYAVOOR,IRITTY,KANNUR.

BY SRI.GRASHIOUS KURIAKOSE (SENIOR ADVOCATE)
ADV.SRI.SEBASTIAN JOSEPH (KURISUMMOOTIL)

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,SECRETARIAT,
THIRUVANANTHAPURAM,PIN - 695 001.
2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM,PIN - 695 001.
3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION,
REGIONAL OFFICE,KOZHIKODE - 673 101.
4. THE MANAGER,VARAKKAD H.S.S.,KASARAGOD - 671 121.
5. THE MANAGER,CORPORATE EDUCATIONAL AGENCY,
DIOCESE OF MANANTHAVADY - 670 645.
6. THE MANAGER,CHM HSS,KAVUMPADY,IRITTY,
KANNUR - 670 703.
7. THE MANAGER,CHM HSS,ELAYAVOOR,IRITTY,
KANNUR - 670 703.

*ADDITIONAL R8 IMPEADED

ADDL.R8:THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION,KANNUR.

WP(C).No.1625 of 2015 (C)

***IS SUO MOTU IMPEADED AS ADDITIONAL 8TH RESPONDENT AS PER JUDGMENT DATED 26.3.2015 IN W.P(C) NO.1625/2015 & CONNECTED CASES.**

R1 TO R3 BY SENIOR GOVT. PLEADER SRI.M.A.FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015, ALONG WITH W.P(C) NO.4460/2015 AND W.P(C) NO.8866/2015 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

pk

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1:TRUE COPY OF THE GO(MS) NO.211/2011G.EDN. DATED 24/10/2011.
- EXT.P2:TRUE COPY OF CIRCULAR NO.ACD.B5/47005/HSE/10 DATED 15/11/2011.
- EXT.P3:TRUE COPY OF THE ORDER NO.A4/58/2014 DATED 27/03/2014.
- EXT.P4:TRUE COPY OF THE ORDER NO.A3/1282/2012 DATED 14/03/2014.
- EXT.P5:TRUE COPY OF THE ORDER NO.A3/3186/2012 DATED 15/02/2013.
- EXT.P6:TRUE COPY OF THE ORDER NO.A3/3219(2)/2012 DFATED 15/02/2013.
- EXT.P7:TRUE COPY OF THE ORDER NO.A3/1274/2011 DATED 22/07/2013.
- EXT.P8:TRUE COPY OF THE ORDER NO.A3/3219(6)/2012 DATED 15/02/2013.
- EXT.P9:TRUE COPY OF THE ORDER NO.A3/3219(4)/2012 DATED 15/02/2013.
- EXT.10:TRUE COPY OF THE ORDER NO.A3/3219(5)/2012 DATED 15/02/2013.
- EXT.P11:TRUE COPY OF THE ORDER NO.A3/3219(7)/2012 DATED 15/02/2013.
- EXT.P12:TRUE COPY OF THE ORDER NO.A3/3219(3)/2012 DATED 15/02/2013.
- EXT.P13:TRUE COPY OF THE ORDER NO.A3/3219(41)/2012 DATED 15/02/2013.
- EXT.P14:TRUE COPY OF THE ORDER NO.A4/13999(5)/2011 DATED 25/08/2012.
- EXT.P15:TRUE COPY OF THE ORDER NO.A4/13999(10)/2011 DATED 05/10/2012.
- EXT.P16:TRUE COPY OF THE ORDER NO.A4/13999(3)/2011 DATED 12/09/2012.
- EXT.P17:TRUE COPY OF THE ORDER NO.A4/13991(5)/2011 DATED 12/09/2012.
- EXT.P18:TRUE COPY OF THE ORDER NO.A4/13991(6)/2011 DATED 12/09/2012.
- EXT.P19:TRUE COPY OF THE ORDER NO.A4/13991(10)/2011 DATED 17/10/2012.
- EXT.P20:TRUE COPYOF THE ORDER NO.A4/13991(11)/2011 DATED 07/11/2012.
- EXT.P21:TRUE COPY OF THE ORDER NO.A4/13991 (7)/2011 DATED 12/09/2012.
- EXT.P22:TRUE COPY OF GO(MS) NO.126/1992/G.EDN. DATED 17/06/1992.
- EXT.P23:TRUE COPY OF COMMUNICATION NO.ACD-C3-53830/HSE/2013
DATED 19/12/2013 ISSUED BY THE 2ND RESPONDENT.

WP(C).No.1625 of 2015 (C)

**EXT.P24:A TRUE COPY OF THE ORDER NO.A3/12735/2011 DATED 19/04/2012 OF
THE 3RD RESPONDENT.**

**EXT.P25:TRUE COPY OF THE COMMON JUDGMENT DATED 04/12/2014 IN WPC
NO.11048/2014 ALONG WITH WPC NO.15651/2014.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A. MUHAMED MUSTAQUE, J.

W.P.(C) Nos.1625, 4460 & 8866 of 2015

Dated this the 26th day of March, 2015

JUDGMENT

These writ petitions are filed by Higher Secondary School Teachers, challenging the decision that they are not eligible for vacation salary as per Rule 49 of Chapter XIV-A of the Kerala Education Rules (K.E.R.), in the light of Ext.P6 Government Order.

2. The issue is covered by the judgment in W.P.(C) No.11048 of 2014 & connected case. In that view of the matter, the petitioners are entitled for vacation salary and there shall be a consequential direction to disburse vacation salary to the petitioners. The impugned orders to the extent it dis-entitle the petitioners from claiming vacation salary are set aside.

3. The Regional Deputy Director, Higher Secondary Education, Kannur, who is *suo motu* impleaded as additional respondent in these writ petitions, shall disburse the vacation salary within a period of three months from the date of receipt of a copy of this judgment.

These writ petitions are disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. to Judge

st/-