

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

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

WP(C).No.4853 of 2011 (F)

PETITIONER:

M.ASHEEDA, HIGH SCHOOL ASSISTANT
(MALAYALAM), M.E.S.HIGHER SECONDARY SCHOOL
SREENARAYANAPURAM, VEMBALLUR, KODUNGALLUR
THRISSUR DISTRICT.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
 2. DISTRICT EDUCATIONAL OFFICER,
IRINJALAKUDA-680120.
 3. THE CORPORATE MANAGER,
M.E.S.SCHOOLS, MUSLIM EDUCATIONAL SOCIETY
CALICUT-673001.

R3 BY ADV. SRI.BABU KARUKAPADATH
BY GOVERNMENT PLEADER SRI.K.K.SAIDALAVI (R1 & R2)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.4853 of 2011 (F)

APPENDIX

PETITIONER'S EXTS

EXT.P1:- TRUE COPY OF THE APPENDIX TO THE STAFF FIXATION ORDER FOR THE YEARS 2004-05.

EXT.P2:- TRUE COPY OF LETTER DATED 15-06-2005 OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P3:- TRUE COPY OF THE ORDER DATED 23-02-2008 OF THE ADDITIONAL DIRECTOR OF PUBLIC INSTRUCTION.

EXT.P4:- TRUE COPY OF GO (MS) NO.249/09/G.Edn DATED 17/12/09.

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BABU MATHEW P. JOSEPH, J.

W.P.(C) No.4853 of 2011

Dated this the 26th day of March, 2015

JUDGMENT

This writ petition has been filed for a direction to approve the appointment of the petitioner as Full-time HSA (Malayalam) with effect from 02-06-2004 and for allowing her the consequential benefits.

2. Heard the learned counsel appearing for the petitioner, learned Senior Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The petitioner was appointed as a Part-time HSA (Malayalam) by the third respondent on 24-07-2003. She was appointed by the third respondent as a Full-time HSA (Malayalam) on 02-06-2004. Accordingly, Ext.P2 proposal was forwarded to the second respondent for approval. But, that proposal was turned down by the second respondent. Ultimately, as per Ext.P4 order dated 17-12-2009 passed by

the first respondent, her appointment as HSA (Malayalam) was approved with effect from 01-02-2006.

4. The respondents have not filed counter affidavit in this case.

5. Learned counsel for the petitioner submits that the questions involved in this writ petition are similar to the questions involved in W.P.(C) Nos.564 of 2009 and 1916 of 2009 which were also pertaining to teachers in respect of the very same school under the management of the third respondent. Going by the law declared by this Court in those writ petitions, the petitioner is entitled to approval of her service in the post of HSA (Malayalam) with effect from 02-06-2004. On a perusal of the judgment rendered by this Court in W.P.(C) Nos.564 of 2009 and 1916 of 2009, it can be seen that the learned counsel for the petitioner is right in his submission that the questions involved in the writ petition on hand are covered by the law declared by this Court in the said judgment which is in favour of the petitioner. Therefore, the petitioner is entitled to approval of her service as HSA

(Malayalam) with effect from 02-06-2004.

In the result, it is declared that the petitioner's appointment is liable to be approved with effect from 02-06-2004. The second respondent, the District Educational Officer, Irinjalakkuda, is directed to pass appropriate orders approving the appointment of the petitioner as HSA (Malayalam) with effect from 02-06-2004, within a period of two months from the date of receipt of a copy of this judgment. The consequential monetary benefits shall be disbursed to the petitioner without delay.

The writ petition is disposed of as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

