

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 2337 of 2015 (N)

PETITIONER :

**GIREESH KUMAR.K.,
LOWER GRADE PART TIME TEACHER (SANSKRIT)
(FULL TIME BENEFIT) (LGPT) NODEL MEMORIAL U.P. SCHOOL,
KEEKOZHOO, RANNY, PATHANAMTHITTA,
RESIDING AT VILAYIL PUTHEN VEEDU, IVERKALA,
IVERKALA EAST.P.O., KOLLAM DISTRICT,PIN-691 507**

BY ADV. SRI.S.SHAJI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,PIN-695 001**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
DIRECTORATE OF PUBLIC INSTRUCTION, JAGATHI,
THIRUVANANTHAPURAM DISTRICT.**
- 3. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVALLA, PATHANAMTHITTA DISTRICT.**
- 4. ASSISTANT EDUCATIONAL OFFICER,
KOZHENCHERRY, PATHANAMTHITTA DISTRICT.**
- 5. THE HEADMISTRESS, N.M.U.P. SCHOOL,
KEEKOZHOO, PATHANAMTHITTA DISTRICT.**
- 6. THE MANAGER, N.M.U.P. SCHOOL, KEEKOZHOO,
PATHANAMTHITTA DISTRICT.**

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.M.A.FAYAZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).NO.2337/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE APPOINTMENT ORDER DATED 25/02/2000 ISSUED BY THE 6TH RESPONDENT.**
- P2 COPY OF THE APPOINTMENT ORDER DATED 26/5/2000 ISSUED BY THE 6TH RESPONDENT.**
- P3 COPY OF THE RELEVANT PAGES OF THE SERVICE BOOK OF THE PETITIONER.**
- P4 COPY OF THE ORDER NO.F.4124/10/K.DIS DATED 24/11/2010 ISSUED BY THE 4TH RESPONDENT.**
- P5 COPY OF THE STATEMENT OF FIXATION OF PAY IN THE REVISED SCALE SANCTIONED IN G.O.(P)NO.85/2011/FIN DATED 26/02/2011**
- P6 COPY OF THE EXTRACT OF NOTE OF RULE 4 OF ANNEXURE. II OF PAY REVISION ORDER 2009**
- P7 COPY OF THE ORDER NO.D/4259/13 DATED 01/7/2014 ISSUED BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT.**
- P8 COPY OF THE LETTER DATED 08/01/2015 ISSUED BY THE 4TH RESPONDENT.**
- P9 COPY OF THE REPRESENTATION DATED 14/8/2014 BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.2337 of 2015
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Dated this the 22nd day of January, 2015

JUDGMENT

Petitioner was appointed as Lower Grade Part Time Teacher (Sanskrit) with effect from 25.02.2000. According to the petitioner, his appointment was against the newly sanctioned post with effect from 01.06.2000. Petitioner submits that his appointment was approved and probation was duly declared. It is further submitted that full time benefit of the petitioner was sanctioned with effect from 05.06.2005 and his pay scale was revised by counting part time service for weightage as stipulated by Ext.P4. Later, 4th respondent issued Ext.P8 by directing the 5th respondent to file a statement regarding the excess pay drawn by the petitioner, revise the pay scale and to refund the excess amount. Petitioner submits that Exts.P7 and P8 orders are against Ext.P4 order. Petitioner approached the 4th respondent by Ext.P9 representation. On account of non-consideration of Ext.P9, petitioner has approached this Court.

2. Considering the facts and circumstances, I am of the view that petitioner has to approach the third respondent, especially petitioner's grievance is against Exts.P7 and P8 which

are issued by the 4th respondent. Therefore, petitioner shall approach the Deputy Director of Education/third respondent within a period of ten days from the date of receipt of a copy of this judgment. Thereafter, the Deputy Director of Education shall take appropriate decision within a further period of six weeks. Till then, proceedings in Exts.P7 and P8 shall be kept in abeyance.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.