

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No.6178 of 2012 (V)

PETITIONERS:

1. **K.A.FEBIN NOUSHAD,AGED 29 YEARS,
S/O.K.A.ABDULLA,UPPER PRIMARY SCHOOL ASSISTANT,
A.S.MOHAMMED MEMORIAL HIGHER SECONDARY SCHOOL,
ALATHUR,PALAKKAD DISTRICT-678541.**
2. **N.V.VINCY MOL,HIGH SCHOOL ASSISTANT (ENGLISH),
A.S.MOHAMMED MEMORIAL HIGHER SECONDARY SCHOOL,
ALATHUR,PALAKKAD DISTRICT-678541.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENTS:

1. **THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT,THIRUVANANTHAPURAM-695001.**
2. **THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD DISTRICT-678001.**
3. **THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD (MANAGER A.S.MOHAMMED MEMORIAL HIGHER
SECONDARY SCHOOL AND TEACHERS TRAINING INSTITUTE,
ALATHUR,PALAKKAD DISTRICT-678001).**
4. **THE HEADMISTRESS,
A.S.MOHAMMED MEMORIAL HIGHER SECONDARY SCHOOL,
ALATHUR,PALAKKAD DISTRICT-678541.**

R1 TO R3 BY GOVT. PLEADER SMT.SUNITHA VINOD.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE LETTER NO.65193/A1 2011/G.EDN.DATED 12.1.2012
OF THE GOVERNMENT.**

**EXT.P2:TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER
DATED 1.6.2010 AND APPROVAL THEREOF BY THE 3RD RESPONDENT
DATED 19.1.2012.**

**EXT.P3:TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER
DATED 1.6.2010 AND THE APPROVAL THEREOF BY THE 3RD
RESPONDENT DATED 19.1.2012.**

**EXT.P4:TRUE COPY OF THE PAY BILL IN RESPECT OF THE 1ST PETITIONER
DATED 10.2.2012.**

**EXT.P5:TRUE COPY OF THE OBJECTION OF THE 3RD RESPONDENT
DATED 18.2.2012 (1ST PETITIONER).**

**EXT.P6:TRUE COPY OF THE PAY BILL IN RESPECT OF THE 2ND PETITIONER
DATED 10.2.2012.**

**EXT.P7:TRUE COPY OF THE OBJECTION OF THE 3RD RESPONDENT
DATED 18.2.2012 (2ND PETITIONER).**

**EXT.P8:TRUE COPY OF THE DECISION REPORTED IN 1993 (2) KLT SN 27 CASE
NO.28 DATED 2.8.1993.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.6178 of 2012

Dated this the 18th day of February, 2015

JUDGMENT

The petitioners were appointed as Upper Primary School Assistant (UPSA) and High School Assistant (HSA) from 1.6.2010 to 31.5.2013 and 1.6.2010 to 12.6.2011 against leave vacancies respectively. The appointments were approved. However, the salary bills of the petitioners were not paid.

2. In this matter, a counter affidavit has been filed by the third respondent. It is stated in the counter affidavit that the payment of salaries before 1.6.2011 will be considered on a case to case basis in line with amendment to the Kerala Education Rules.

Having approved the appointment and the service of the petitioners having availed, there is no point in denying the salary due to them. Therefore, there shall be a direction to pay the entire arrears of salary due to the petitioners within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE