

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 13683 of 2006 (D)

PETITIONER(S):

**K. GANGADHARAN NAIR, AGED 55 YEARS,
S/O. LATE KOCHU NAIR, KALLUVEETIL HOUSE, PUTHOOR,
KODUVALLY, (VIA) KOZHIKODE(HEAD MASTER, RETIRED,
AML P SCHOOL, VAKKALLOOR, AREACODE).**

BY ADV. SRI.P.V.MOHANAN

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, TRIVANDRUM.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.**

R BY ADV. GOVERNMENT PLEADER SRI.T.R.RAJESH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

WP(C).No. 13683 of 2006 (D)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE G.O(P) 127/99/G.EDN DATED 04.06.1999

**EXHIBIT P2: TRUE COPY OF THE JUDGMENT IN O.P NO.24851/99 (H) DATED
28.01.2003**

**EXHIBIT P3: TRUE COPY OF THE ORDER NO.G.O(P) 138/2005/G.EDN DATED
04.05.2005**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN W.P(C) NO.23699/2005 DATED
24.10.2005**

EXHIBIT P5: TRUE COPY OF ORDER NO.F5/30131/05 DATED 23.11.2005

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P.(C).No.13683 of 2006

Dated this the 5th day of October, 2015

JUDGMENT

The petitioner was appointed as an Assistant Teacher in AMLP School Vakkaloor, Arecode an aided School on 04.05.1985. The petitioner's claim is that he was promoted as Head Master in charge as on 12.04.1986 but was granted scale of pay attached to the post of Head Master only on 04.07.2000 on completion of 15 years of service. The petitioner's claim is that in view of the full bench decision reported in **1988 (2) ILR page 771 Indira V. State of Kerala**, the petitioner is entitled to get his scale of pay as Head Master from 12.04.1986.

2. Indira (supra) considered the amendment to Rule I of Chapter XXVI, which amendment was effective from 15.09.1988. The said amendment stipulated a minimum period of continuous service of 15 years as a teacher, to be appointed as Headmaster. The Full Bench having considered the issue found that any person who has been appointed as Headmaster prior to 15.09.1988,

has to be given the scale of pay applicable to the Headmaster, since the restriction came only with the amendment.

3. The petitioner in the present writ petition challenges Ext.P5 order in which it is stated that the petitioner was merely given the charge of the Headmaster with effect from 12.04.1986. The appointment itself was approved only with the effect from 04.07.2000 on completion of 15 years service. The specific contention taken by the State is that the petitioner was never promoted as Headmaster but was only appointed as an Assistant-in-charge with effect from 12.04.1986.

4. The counter affidavit of the State indicates the promotion itself, as Head Master was with effect from 02.11.1992 and his probation is said to have been completed on 02.11.1993. Hence the promotion itself was after the amendment came into force and the petitioner cannot claim approval of such promotion, since the petitioner had not at that point of time completed 15 years of service. The petitioner has not controverted the

said allegations in Ext.P5 and reiterated in the counter affidavit of the State dated 30.05.2012. The petitioner has also not chosen to implead the aided school or the Manager, to verify the exact position.

In such circumstance, the petitioner's contentions remain unsubstantiated and there is no ground to interfere with Ext.P5. The writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD