

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. 3802 of 2015 (A)

PETITIONER(S):

**K.PUSHPA RANI, AGED 46 YEARS,
WIFE OF REGHUNARAYANAN,
LOWER PRIMARY SCHOOL ASSISTANT,
VENDUTTAYI L.P.SCHOOL, PINARAYI, P.O.PINARAYI,
KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR, POST KANNUR - 670 002.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
THALASSERY NORTH, P.O.THALASSERY,
KANNUR DISTRICT - 670 101.**
- 4. THE MANAGER,
VENDUTTAYI L.P.SCHOOL, PINARAYI, P.O.PINARAYI,
KANNUR DISTRICT - 670 741.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.V.VIJULAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 3802 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1- TRUE COPY OF THE JUDGMENT IN WP(C) NO.7562/2005-A DATED 3.9.2013.

**EXT. P2- TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER
DATED 16.12.2013.**

**EXT. P3- TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT
DATED 10.1.2015.**

**EXT. P4- TRUE COPY OF THE STAFF FIXATION ORDER 2003- 2004 DATED 13.8.2003 OF
THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.3802 of 2015

Dated this the 18th day of February, 2015

JUDGMENT

The petitioner is a Rule 51-A claimant. This Court by Ext.P1 judgment directed the Manager to appoint the petitioner. Thereafter, the petitioner has been appointed by the Manager. The proposal is pending before the Assistant Educational Officer. Ext.P2 is the appointment order. The petitioner has a further case in this matter. The petitioner submits that she is entitled for appointment with retrospective date on 1.6.2003.

2. The learned Government Pleader points out that the proposal of the Manager is pending before the Assistant Educational Officer and therefore, the petitioner's request for retrospective effect cannot be considered at this stage.

3. The learned counsel for the petitioner points out that the petitioner has appointed only with effect from 16.12.2013 and in the light of the judgment produced as Ext.P1, she is entitled for appointment with effect from 1.6.2003. The petitioner has approached the Government by Ext.P3 for approval from the said date.

I am of the view, the Assistant Educational Officer shall take a decision in the matter based on the proposal made by the Manager. Needful shall be done by the Assistant Educational Officer within four weeks. Thereupon, on approval, the Government shall consider Ext.P3 after hearing the petitioner and the Manager within a further period of four months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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