

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C) .No. 3835 of 2015 (D)

PETITIONER(S) :

HAZEENA E.
HSA (N.S.) , CHMKM HIGH SCHOOL, KAVANOR
IRIVETTY, THOTTILANGADI, MALAPPURAM.

BY ADVS.SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY
SRI.TONY AUGUSTINE
SRI.M.STEPHEN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT EDUCATION OFFICER
WANDOOR, MALAPPURAM-676 505.

3. THE MANAGER
CHMKM HIGH SCHOOL, KAVANOR, IRIVETTY
THOTTILANGADI, MALAPPURAM-676 505.

R BY GOVERNMENT PLEADER: SRI M A FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT P1 : COPY OF THE APPOINTMENT ORDER DTD.1.1.2009 FROM THE 3RD
RESPONDENT MANAGER.

EXT P2 : COPY OF THE APPROVAL ORDER DTD.29.9.2009 FROM THE 2ND
RESPONDENT.

EXT P3 : COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
DTD.20.12.2011.

EXT P4 : COPY OF THE ORDER DTD.5.1.2015 FROM THE 2ND RESPONDENT.

EXT P5 : COPY OF THE REVISION PETITION DTD.22.1.2015.

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.3835 of 2015
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Dated this the 06th day of February, 2015

JUDGMENT

Petitioner was appointed as High School Assistant on 01.01.2009 in a retirement vacancy of one Jancy Thomas in the 3rd respondent school. The appointment order is dated 01.01.2009. The second respondent District Education Officer rejected the approval of appointment of the petitioner. However, the second respondent based on the appellate order of the Deputy Director of Education, Malappuram approved the period of appointment of petitioner from 01.01.2009 to 31.03.2009 on daily wage basis on 29.09.2009. Manager approached the DPI to approve the appointment of petitioner from 01.01.2009 onwards on regular basis. This was rejected by the DPI. However, based on the Teachers Package Scheme, the appointment of the petitioner was approved with effect from 01.06.2011.

2. The present grievance of the petitioner is that his approval of appointment as High School Assistant has been cancelled. The second respondent cancelled the approval of appointment of the petitioner and ordered to recover the salary

and other benefits received after 15.07.2014. Aggrieved by the order of the District Educational Officer, petitioner approached the Government by Ext.P5. Petitioner seeks an early disposal of Ext.P5.

3. Considering the facts and circumstances of the case, there shall be a direction to the first respondent to dispose of Ext.P5 after hearing the petitioner and Manager. Till final decision is taken on Ext.P5, all recovery proceedings against the petitioner shall stand stayed.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.