

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C) .No. 4048 of 2015 (E)

PETITIONER(S) :

SUSEELA M.N, AGED 51 YEARS
D/O NARAYANAN, MADAPARA MANAGAPETTA, MUNDAKAYAM
KOTTAYAM DISTRICT (NOW WORKING AS PRE PRIMARY SCHOOL TEACHER
GOVERNMENT LOWER PRIMARY SCHOOL, KUZHIMAVU
KORUTHODU P.O)

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695001

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM 695014

3. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM 686001

4. THE DISTRICT EDUCATION OFFICER,
KAJIRAPPALLY 686507

5. THE GOVERNMENT LOWER PRIMARY SCHOOL,
KUZHIMAVU, KORUTHODU P.O
REPRESENTED BY ITS HEADMISTRESS 686513

R BY GOVERNMENT PLEADER (SR) : ADV.SMT.SUNITHA VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE PRE-PRIMARY TEACHER TRAINING CERTIFICATE
ISSEUD BY THE GOVERNMENT OF KERALA

EXHIBIT P2 TRUE COPY OF THE ORDER SANCTIONING PRE PRIMARY SCHOOL AT
THE 5TH RESPONDENT SCHOOL ISSUED BY THE 3RD RESPONDENT

EXHIBIT P3 TRUE COPY OF THE GO(RT) NO 465/99/G.EDN DATED 06-02-1988

EXHIBIT P4 TRUE COPY OF THE GO(RT) NO 2453/88 G. EDN DATED 05-07-1988

EXHIBIT P5 TRUE COPY OF THE GO(MS) NO 385/2012/G.EDN DATED 07-12-2012
ISSUED BY THE 1ST RESPONDENT

EXHIBIT P6 TRUE COPY OF THE GO(MS) NO 146/2013/G.EDN DATED 25-04-2013
ISSUED BY THE 1ST RESPONDENT

EXHIBIT P7 TRUE COPY OF THE CERTIFICATE DATED 04-02-2013 ISSUED BY
THE 5TH REPSONDNET SHOWING THE DATE OF JOINING OF THE PETITIONER ON
05-11-2012

EXHIBIT P8 TRUE COPY OF THE CIRCULAR NO NS 4/44009/14/DPI DATED 28-
06-2014

EXHIBIT P9 TRUE COPY OF THE JUDGMENT DATED 05-01-2015 OF THIS HON'BLE
COURT IN WPC NO 31828/2014

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.4048 of 2015
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Dated this the 10th day of April, 2015

JUDGMENT

Petitioner is working as pre-primary school teacher attached to Government Lower Primary School, Kuzhimavu. Pre-primary teachers was paid honorarium at the rate of ₹3,500/-. The Division Bench of this Court in the judgment in **Kerala Pre-primary Teachers and Ayahs Association and Ors. Vs. State of Kerala and Anr. (2012(3) KHC 608)** held that pre-primary teachers are entitled for ₹5,000/- as honorarium and Government was directed to pay honorarium at the rate of ₹5,000/-. Judgment was rendered on 01.08.2012. Petitioner was appointed with effect from 07.11.2012. The Government by Ext.P5 Government Order dated 07.12.2012 ordered that all pre-primary qualified teachers are entitled for honorarium at the rate of Rs.5,000/- with effect from 01.08.2012. Petitioner accordingly was paid honorarium at the above rate till March 2014. However, this was abruptly stopped. It is stated in Ext.P8 order that only persons who are in service as on 01.08.2012 alone are eligible for honorarium and petitioner's appointment only subsequent to 01.08.2012 is not entitled for honorarium based on Ext.P5 Government order. It is challenging

these orders petitioner filed this Writ Petition.

2. Learned counsel for the petitioner Sri.A Shafeek pointed out that Ext.P5 Government order is not rightly understood by the authorities. There is no reference in Ext.P5 that only the persons who are on the roll of pre-primary teachers as on 01.08.2012 are alone entitled for drawal of honorarium. It is further pointed out that there was no ban in making appointment at the time petitioner was appointed. Therefore, it is submitted that the petitioner is also entitled for honorarium at the rate of ₹5,000/- as ordered in Ext.P5.

3. This Court disposed of similar claim in W.P(C). No.31828 of 2014. In view of the direction in the above Writ Petition, petitioner is entitled to succeed.

4. This Writ Petition is disposed of directing competent among respondents to pay honorarium at the rate of ₹5,000/- along with arrears within a period of one month from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.