

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 5082 of 2015 (I)

PETITIONER:

**BINDHU K. JOHN, AGED 37 YEARS
D/O.V.G.JOHN, NOW WORKING AS HSST (JR) ENGLISH
ST.MARY'S HSS, KIZHAKEKARA P.O., KOTTARAKARA
KOLLAM DISTRICT. RESIDING AT SEENASADAN
VELLAPARA P.O., KONNI, PATHANAMTHITTA DISTRICT**

BY ADV. SRI.PAULSON THOMAS

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695001.**
- 2. DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING
THIRUVANANTHAPURAM. PIN - 695001.**
- 3. REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION
TRIVANDRUM - 695001.**
- 4. CORPORATE MANAGER, MSC SCHOOLS
PATTAM, ST.MARY'S COMPOUNT, TRIVANDRUM - 695004.**

R1 BY GOVERNMENT PLEADER SMT. M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1- TRUE COPY OF G.O(MS) NO. 167/2011/GEN. EDN. DATED 3.8.2011
- P2- TRUE COPY OF TRANSLATION OF THE MALAYALAM PORTION OF EXT P1
- P3- TRUE COPY OF G.O(MS) NO.18/91/GEN.EDN. DATED 1.2.1991
- P4- TRUE COPY OF G.O(MS) NO. 398/2002/GEN. EDN. DATED 29.11.2002
- P5-TRUE COPY OF CIRCULAR NO.ADB 1-7225/00/HSE DATED 30.05.2000 ISSUED BY THE DIRECTOR
- P6- TRUE COPY OF THE G.O(MS) NO.338/2003/GEN.EDN. DATED 16.12.2003
- P7-TRUE COPY OF ORDER IN WP(C) 37392/2009 DATED 11.2.2010
- P8- TRUE COPY OF PROCEEDINGS OF THE MANAGER DATED 16.07.2012
- P9- TRUE COPY OF PROCEEDINGS OF THE MANAGER DATED 17.06.2013
- P10- TRUE COPY OF STAFF M.A.ENGLISH DEGREE CERTIFICATE AWARDED BY ANNAMALAI UNIVERSITY DATE 05.02.2008
- P11- TRUE COPY OF M.A.ENGLISH DEGREE CERTIFICATE ENQUIVALENCY/ELIGIBILITY CERTIFICATE AWARDED BY UNIVERSITY OF KERALA DATED 29.05.2007
- P12- TRUE COPY OF B.ED ENGLISH DEGREE CERTIFICATE ISSUED BY THE UNIVERSITY OF KERALA DATED 07.12.1999
- P13- TRUE COPY OF THE SET ENGLISH CERTIFICATE DATED 31.10.2008
- P14- TRUE COPY OF G.O(MS) NO.211/2013/GEN.EDN. DATED 15.7.2013
- P15- TRUE COPY OF G.O(MS) NO. 26/2014/GEN.EDN. DATED 1.2.2014
- P16- TRUE COPY OF G.O(MS) NO.121/2014/GEN./EDN. DATED 3.7.2014
- P17-TRUE COPY OF THE RELEVANT PORTION OF ANOMALY REPORT NO. ACD -C323785/2013/HSE DATED 11.10.2013 MADE BY 2ND RESPONDENT TO THE GOVERNMENT
- P18- TRUE COPY OF THE PROCEEDINGS UNDER THE RTI ACT DATED 05.09.2014
- P19- TRUE ENGLISH TRANSLATION OF EXT P18

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

K. VINOD CHANDRAN, J.

W.P(C). No.5082 of 2015-I

Dated this the 27th day of November, 2015.

JUDGMENT

The petitioner in the above case was appointed as an HSST (Junior) English in the 4th respondent School with effect from 16.07.2012. The petitioner was appointed by transfer, from the post of HSA (English), of the same School. The Government brought out Ext.P14 order bearing No.G.O.(MS) No.211/2013/Gen.Edn. dated 15.07.2013, wherein certain posts in various Schools were sanctioned as per the earlier sanction of courses. The petitioner's School, along with other Schools, is said to have been granted certain additional batches by Ext.P1 order dated 03.08.2011. However, the petitioner's School was left out in Ext.P14 and no posts were sanctioned.

2. Such anomalies were brought to the notice of the Government by the Director of Higher Secondary Education, which resulted in Ext.P20 order being passed. In Ext.P20 at Sl.

No.32, the petitioner's School is seen to have been sanctioned one post of English, to which obviously the petitioner's claim survives. A reading of Ext.P20 would indicate that the creation of post is also effective from 15.07.2013.

In such circumstance, the petitioner's appointment would have to be approved at least from 15.07.2013. As of now, the petitioner's approval from 16.07.2012 is not pressed and the same is left open to be urged before the appropriate authority. However, as to the petitioner's regularisation from 15.07.2013, the 3rd respondent shall consider the same for approval, verifying the sanction as per Ext.P1 and the creation of posts as per Ext.P20 with effect from 15.07.2013. The consideration shall be made within a period of two months from the date of receipt of the certified copy of this judgment and the salary shall be disbursed within three months from the date of approval.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE.

//True Copy//

P.A. to Judge.