

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6390 of 2015 (W)

PETITIONER(S):

- 1. MOLAMMA K.ISSAC, AGED 36 YEARS,
W/O.ANIL V. THOMAS, VEERASERIL HOUSE,
CHENGALAM SOUTH P.O, KOTTAYAM DISTRICT.**
- 2. DAYANA, AGED 46 YEARS, W/O.JOY N.M,
POOVATHUMCHUVATHIL, CHENGALAM SOUTH P.O.,
KOTTAYAM DISTRICT.**
- 3. THANKAMMA JOSEPH, AGED 37 YEARS,
W/O.PAUL P.SAJEEV, THEKKEPARAMBIL,
PAMBADI, KOTTAYAM DISTRICT.**
- 4. BINDU THOMAS, AGED 34 YEARS,
W/O.LIJU P.MATHEW, POLACHIRA,
VAKATHANAM P.O.**
- 5. SHEENA N.J., AGED 33 YEARS,
W/O.MUKESH, NADUVILAPARAMBIL,
CHEERUNKAL P.O., KOTTAYAM DISTRICT.**
- 6. SHEEJA. S., AGED 33 YEARS, W/O.JOSEPH MANUEL,
KOCHETHU HOUSE, ELANTHOOR EAST P.O.,
PATHANAMTHITTA.**
- 7. NISHAMOL V.M., AGED 29 YEARS,
W/O.SHAJI RAJAPPAN, KAVIL HOUSE,
NEDUNGADAPALLI.**
- 8. ABIN T. RAJU, AGED 30 YEARS,
S/O.T.C.RAJU, THADATHILPARAMBIL, OLASSA P.O.,
KOTTAYAM DISTRICT.**
- 9. DARLY K.THOMAS, AGED 34 YEARS, W/O.SUNIL SANU,
KIZHAKKEPARAMBIL, ARUPPUKARA WEST P.O.,
KOTTAYAM DISTRICT.**
- 10. THANISHA LISA VARGHESE, AGED 26 YEARS,
D/O.REJI VARGHESE, MUKKARAKATTATHU,
PAZHAVANGADI P.O., RANNY.**

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**11. ABYNA ABRAHAM, AGED 26 YEARS,
D/O.ABRAHAM K.J, KUMMINIYIL, PALOOKAVU P.O.**

**12. SUSAMMA JOSEPH, AGED 39 YEARS,
W/O.REJI MATHEW, VARIYATHADATHIL,
MUNDUKOTTACKAL P.O., PATHANAMTHITTA.**

**13. RENI ANNIE VARGHESE, AGED 31 YEARS,
W/O.BIJU THOMAS, MUTHUKULAM HOUSE,
THIRUNAKKARA, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.ESM.KABEER,
SRI.M.S.JAYAKRISHNAN.**

RESPONDENT(S):

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

**2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM 695 001.**

**3. THE ASSISTANT EDUCATIONAL OFFICER,
CHANGANASSERY -686 101.**

**4. THE ASSISTANT EDUCATIONAL OFFICER,
ETTUMANOOR- 686 101.**

**5. THE ASSISTANT EDUCATIONAL OFFICER,
KARUKACHAL- 686 540.**

**6. THE ASSISTANT EDUCATIONAL OFFICER,
KOZHENCHERRY- 689 503.**

**7. THE ASSISTANT EDUCATIONAL OFFICER,
MALLAPPALLY- 689 585.**

**8. THE ASSISTANT EDUCATIONAL OFFICER,
PATHANAMTHITTA- 689 645.**

**9. THE ASSISTANT EDUCATIONAL OFFICER,
PULLAD- 689 548.**

BY GOVERNMENT PLEADER SRI.V. VIJULAL.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER DATED 04.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P2. COPY OF THE APPOINTMENT ORDER DATED 08.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P3. COPY OF THE APPOINTMENT ORDER DATED 04.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P4. COPY OF THE APPOINTMENT ORDER DATED 06.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P5. COPY OF THE APPOINTMENT ORDER DATED 04.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P6. COPY OF THE APPOINTMENT ORDER DATED 04.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P7. COPY OF THE APPOINTMENT ORDER DATED 04.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P8. COPY OF THE APPOINTMENT ORDER DATED 01.08.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P9. COPY OF THE APPOINTMENT ORDER DATED 06.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P10. COPY OF THE APPOINTMENT ORDER DATED 11.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P11. COPY OF THE APPOINTMENT ORDER DATED 11.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P12. COPY OF THE APPOINTMENT ORDER DATED 04.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P13. COPY OF THE APPOINTMENT ORDER DATED 01.06.2011 ISSUED BY THE MANAGER, CMS SCHOOL, KOTTAYAM.
- EXHIBIT P14. COPY OF THE GOVERNMENT ORDER NO.G.O(P)56/11/G.EDN DATED 26.02.2011.
- EXHIBIT P15. COPY OF THE ORDER IN CIVIL APPEAL NO.1643/2013 DATED 22.02.2013 OF THE HONOURABLE SUPREME COURT.

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**EXHIBIT P16. COPY OF THE ORDER DATED 29.10.2013 ISSUED BY THE
G.EDN DEPT.**

**EXHIBIT P17. COPY OF THE REPRESENTATION DATED 07.12.2014 SUBMITTED
BEFORE THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

PA. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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Dated this the 27th day of February, 2015

J U D G M E N T

Petitioners are working as L.P.School Assistants under the Corporate management of C.M.S. Schools from the year 2010-11 onwards. It is submitted that the approval of appointment of the petitioners are rejected on the ground that the posts shall be filled up either by thrown out teachers or by protected teachers. The petitioners approached the 1st respondent by Ext.P17 representation requesting to approve the appointments and to grant salary on daily basis during the period they worked. It is on account of the non-consideration of Ext.P17, the petitioner has approached this Court.

2. Considering the pendency of Ext.P17, there shall be a direction to the 1st respondent to consider and pass appropriate orders on Ext.P17 within a period of four months from the date of receipt of a copy of this judgment after

affording an opportunity of hearing to one among the petitioner.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/