

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7315 of 2015 (L)

PETITIONER :

**PRASEETHA.T, AGED 37 YEARS,
HSST (HISTORY), BEMHSS, BANK ROAD,
KASARAGOD, RESIDING AT 'PADMA', P.O. KANHANGAD,
SOUTH KASARAGOD, KASARAGOD DISTRICT.**

**BY ADVS.SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT ANNEX,
STATUE JUNCTION, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
SANTHI NAGAR, HOUSING BOARD BUILDINGS,
THIRUVANANTHAPURAM -695 001.**
- 3. REGIONAL DEPUTY DIRECTOR OF EDUCATION,
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE,
KOZHIKODE - 673 001.**
- 4. REGIONAL DEPUTY DIRECTOR OF EDUCATION,
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE,
KANNUR -673 002.**
- 5. CORPORATE MANAGEMENT OF CSI DIOCESAN SCHOOLS,
(MALABAR AND WAYANAD AREA),
CSI NORTH KERALA EDUCATIONAL AGENCY, BANK ROAD,
KOZHIKODE, REPRESENTED BY ITS CHAIRMAN.PIN-673 001**

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.M.A.FAYAZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE ORDER NO. CM/DS/HSST N/2010-11/PT-13 DATED 30/08/2010 ISSUED BY THE 5TH RESPONDENT APPOINTING THE PETITIONER AS GUEST LECTURER IN HISTORY IN B.E.M.H.S.S, KASARAGOD.
- EXHIBIT-P2- TRUE COPY OF THE ORDER NO. CM/CSI/1005/2011 DATED 05/03/2012 ISSUED BY THE 5TH RESPONDENT APPOINTING THE PETITIONER AS HSST (JR) HISTROY IN B.E.M.H.S.S, KASARAGOD
- EXHIBIT-P3- TRUE COPY OF THE ORDER NO. A3/12727/2011 DATED 22/03/2013 ISSUED BY THE 3RD RESPONDENT APPROVING THE APPOINTMENT OF THE PETITIONER AS HSST (JR) HISTORY IN B.E.M.H.S.S, KASARAGOD
- EXHIBIT-P4- TRUE COPY OF THE ORDER NO. A6/1761/2014 DATED 07/10/2014 ISSUED BY THE 4TH RESPONDENT APPROVING THE APPOINTMENT OF THE PETITIONER AS HSST (JR) HISTORY IN B.E.M.H.S.S KASARAGOD WITH EFFECT FROM 04/06/2012 AND THE UPGRADATION OF THE PETITIONER AS HSST HISTORY IN B.E.M.H.S.S, KASARAGOD WITH EFFCET FROM 03/06/2013.
- EXHIBIT-P5- TRUE COPY OF THE REPRESENTATION DATED 08/01/2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT-P6- TRUE COPY OF THE ACKNOWLEDGMENT DATED 16/01/2015 EVIDENCING RECEIPT OF EXHIBIT-P5 BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P.(C) No.7315 of 2015

Dated this the 9th day of March, 2015

JUDGMENT

The petitioner was appointed as a Guest Lecturer on 30.08.2010 in B.E.M Higher Secondary School, Kasaragod. The petitioner was thereafter appointed as HSST (Junior) with effect from 07.03.2012 in the said School and was upgraded as HSST (History) with effect from 03.06.2013. The petitioner's only grievance is denial of her approval of appointment as HSST (Junior) History in the school with effect from 30.08.2010. Aggrieved by the denial of approval of appointment, the petitioner has approached the Government as per Ext.P5 representation.

2. The learned Government Pleader points out that the appointment of the petitioner on 30.08.2010 vide Ext.P1 was as a Guest Lecturer. Since the petitioner had accepted appointment as a Guest Lecturer, she cannot turn around and claim that her

appointment has to be given effect to in the regular pay scale. It is further submitted that in view of the fact that the petitioner had appointed as a Guest Lecturer, the Government need not consider Ext.P5 representation submitted by the petitioner.

3. I am not expressing anything on merit on this issue. In view of the limited request made by the petitioner for an early disposal of Ext.P5, the Government shall take appropriate decision on Ext.P5 after hearing the petitioner, within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. To Judge

St/-