

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C) .No. 8290 of 2015 (I)

PETITIONER(S) :

DIVYA P.,
AGED 29 YEARS, W/O.GIREESH,
HIGH SCHOOL ASSISTANT(PHYSICAL SCIENCE),
V.V.M.H.S.SCHOOL, MARAKKARA P.O., PULAMTHOL,
MALAPPURAM DISTRICT, RESIDING AT "SREELAKSHMI",
MALAYIL ROAD, KADAMPUZHA, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.M.SATHYANATHA MENON &
SMT.KAVERY S THAMPI.

RESPONDENT(S) :

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1. THE MANAGER,
V.V.M.H.S.SCHOOL, MARAKKARA P.O., PULAMTHOL,
MALAPPURAM DISTRICT-676 518.
 2. THE DISTRICT EDUCATION OFFICER,
TIRUR, MALAPPURAM-676 101.
 3. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM-676 505.
 4. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.
 5. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

BY SENIOR GOVERNMENT PLEADER SRI.V.VIJULAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1 TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT EDUCATIONAL OFFICER, TIRUR DATED 5-12-2008 WITH RESPECT TO THE ACCEPTANCE OF THE RESIGNATION OF SMT.FATHIMA.C.V.
- EXT.P2 TRUE COPY OF THE APPOINTMENT ORDER DATED 4-6-2008 WITH RESPECT TO THE PETITIONER AS HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE) .
- EXT.P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER THROUGH THE HEADMASTER BEFORE THE THIRD RESPONDENT DATED 8-2-2009 .
- EXT.P4 TRUE COPY OF THE JUDGMENT IN WP(C)NO. 12109 OF 2009 DATED 27-5-2009 .
- EXT.P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT DATED 1-6-2009 .
- EXT.P6 TRUE COPY OF THE REVISION PETITION BY THE MANAGER,THE FIRST RESPONDENT BEFORE THE 2ND RESPONDENT DATED 19.8.2009 .
- EXT.P7 TRUE COPY OF THE PROCEEDINGS OF THE FOURTH RESPONDENT DATED 23-6-2010 .

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.8290 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner is appointed as High School Assistant (Physical Science) in an aided school. Her approval has been rejected, citing G.O.(P) No.104/08/G.Edn. dated 10.06.2008.

2. The Hon'ble Supreme Court in '**Unninarayanan v. State of Kerala**' [2009 (2) KLT 604] and '**State of Kerala v. Sneha Cheriyan**' [2013 (1) KLT 755 (SC)] held that vacancy having duration of more than eight months can be filled up on scale of pay basis.

3. In that view of the matter, the petitioner is entitled to succeed. Consequently, there shall be a direction to approve the appointment of the petitioner in the scale of pay within a period of six weeks from the date of receipt of a copy of this judgment, and to pay necessary consequential benefits to the petitioner, thereafter within a period of three months.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.