

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).NO. 8508 OF 2014 (K)

PETITIONER(S) :

G.JAYASREE,
JAYALAYAM, MUDIACODE, CHERUNNIYOOR P.O.
VARKALA, PIN-695142, THIRUVANANTHAPURAM.

BY ADVS.SRI.S.RAMESH
SRI.NAVEEN.T
SMT.POOJA SURENDRAN

RESPONDENT(S) :

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

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695001.

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

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- P1: COPY OF THE INTERIM ORDER DATED 11.1.1999 IN O.P.NO.13699/1998 OF THIS HON'BLE COURT.
- P2: COPY OF THE JUDGMENT DATED 18.9.2000 IN O.P.NO.8268/1999 OF THIS HON'BLE COURT.
- P3: COPY OF THE JUDGMENT DATED 25.2.2002 IN W.A.NO.2468/2000 OF THIS HON'BLE COURT.
- P4: COPY OF THE ORDER DATED 15.12.1999 ISSUED BY THE 1ST RESPONDENT.
- P5: COPY OF THE JUDGMENT DATED 19.3.2004 IN O.P.NO.4950/2000 OF THIS HON'BLE COURT.
- P6: COPY OF THE ORDER DATED 2.9.2002 ISSUED BY THE 2ND RESPONDENT.
- P7: COPY OF THE ORDER DATED 24.3.2004 ISSUED BY THE GOVERNMENT.
- P8: COPY OF THE ORDER DATED 22.6.2004 ISSUED BY THE 2ND RESPONDENT.
- P9: COPY OF THE ORDER DATED 8.11.2004 ISSUED BY THE GOVERNMENT.
- P10: COPY OF THE JUDGMENT DATED 8.11.2012 IN WPC.NO.1140/2005 OF THIS HON'BLE COURT.
- P11: COPY OF THE JUDGMENT DATED 16.1.2013 IN W.A.NO.84/2013 OF THIS HON'BLE COURT.
- P12: COPY OF THE ORDER, G.O. DATED 9.4.2013 ISSUED BY THE 1ST RESPONDENT.
- P13: COPY OF THE REPRESENTATION DT.16.12.2013 SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT.
- P14: COPY OF THE JUDGMENT DATED 16.8.1999 IN O.P.NO.13699/1998 OF THIS HON'BLE COURT.
- EXT.P15: A TRUE COPY OF THE INTERIM ORDER DATED 07.04.2014 IN WPC 8508/2014
- EXT.P16: A TRUE COPY OF THE ORDER DATED 24.07.2014 ISSUED BY THE 2ND RESPONDENT
- EXT.P17: A TRUE COPY OF THE ORDER DATED 08.10.2014 BY THE ASSISTANT EDUCATIONAL OFFICER CHATHAYAMANGALAM
- EXT.P18: A TRUE COPY OF THE REPRESENTATION DATED 15.01.2015 FILED BEFORE THE 2ND RESPONDENT
- EXT.P18: A TRUE COPY OF THE ORDER DATED 15.05.2015 ISSUED BY THE 2ND

RESPONDENT

RESPONDENT (S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.8508 of 2014

.....
Dated this the 30th day of July, 2015

J U D G M E N T

This writ petition is filed by the petitioner seeking a direction to implement Ext.P12 order passed by the 1st respondent whereby, the Director of Public Instruction was directed to approve the appointment of the petitioner for the period that she worked under the Lutheran Management, if she was otherwise eligible. The period for which the petitioner worked is stated to be from 15.07.1997 till the time the vacancy existed in the School. It would appear that, by an interim order passed by this Court on 07.04.2014 (Ext.P15), this Court directed the 2nd respondent to implement Ext.P12 order within a period of 6 weeks from the date of receipt of a copy of the order. It is not in dispute that pursuant to Ext.P15 order, the 2nd respondent approved the appointment of the petitioner from 15.07.1997 to 31.03.1998. By virtue of the said interim order, however, the petitioner had continued in service till 20.12.1999. In I.A.No.9770 of 2015 that is now filed by the petitioner, the prayer is for a direction to the respondents to approve the period from 31.03.1998 to 20.12.1999, when the petitioner continued to work in the school based on the interim order passed by this Court, and disburse the monetary benefits due to the petitioner for the said period.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that the relief prayed for in the writ petition was substantially allowed by this Court in Ext.P15 interim order that was passed on 07.04.2014. By virtue of the said order, the appointment of the petitioner in the School for the period from 15.07.1997 to 31.03.1998 was approved by the 2nd respondent. The salary and allowances for the said period was also disbursed to the petitioner. The issue that remains to be considered is with regard to the period from 31.03.1998 to 20.12.1999 when the petitioner continued to work in the School on the basis of the interim order passed by this Court. It is the stand of the respondents that during the said period there was no vacancy to accommodate the petitioner, and in that sense, therefore, the continuance of the petitioner for the said period cannot be formally approved by the department. The fact remains, however, that the petitioner had actually worked in the School during the said period and, it is not in dispute that during the period in question, the petitioner had also signed the attendance register in the School. Taking note of the said

fact, while I dispose the writ petition itself by making Ext.P15 interim order dated 07.04.2014 absolute, I also direct the respondents to pay the salary and other allowances that accrued to the petitioner for the service rendered between 31.03.1998 and 20.12.1999, by treating it as an approved service, since the petitioner was working in the School on the basis of an interim order passed by this Court. The respondents shall do be needful in disbursing the monetary benefits due to the petitioner within a period of two months from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

