

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8979 of 2015 (V)

PETITIONER(S):

1. BINDU K KARUNAN , AGED 43 YEARS,
WIFE OF RATHEESH CHANDRAN,
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE)
S.N.T.HIGHER SECONDARY SCHOOL,
NANGIARKULANGARA ,
HARIPPAD,
ALAPPUZHA DISTRICT.
2. DEEPA MADHAVAN, AGED 37 YEARS,
WIFE OF M MADHU, HIGH SCHOOL ASSISTANT (MATHS)
S.N.T. HIGHER SECONDARY SCHOOL
NANGIARKULANGARA HARIPPAD, ALAPPUZHA DISTRICT.
3. P. N ANIL KUMAR, AGED 48 YEARS
SON OF PONNAPPAN,
HIGH SCHOOL ASSISTANT (SOCIAL SCIENCE)
S.N.T.HIGHER SECONDARY SCHOOL
NANGIARKULANGARA HARIPPAD,
ALAPPUZHA DISTRICT.

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY,
THIRUVANANTHAPURAM - 695 014.
3. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA DISTRICT - 688 001.
4. THE DISTRICT EDUCATIONAL OFFICER,
ALAPPUZHA DISTRICT - 688 011.

**5. THE MANAGER
S.N.TRUST SCHOOLS,
KOLLAM - 691 001.**

**R1 to R4 BY (SR) GOVERNMENT PLEADER SRI. M.A.FAYAZ
R5 BY ADV. SRI.A.N.RAJAN BABU**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER DATED 27/06/2013.

EXT.P2: TRUE COPY OF THE ORDER OF THE DIRECTOR OF PUBLIC INSTRUCTION DATED 07/12/2005 (1ST PETITIONER)

EXT.P3: TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER DATED 21/08/2003.

EXT.P4: TRUE COPY OF THE ORDER OF THE DIRECTOR OF PUBLIC INSTRUCTION DATED 27/10/2005 (2ND PETITIONER).

EXT.P5: TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED 23/07/2004.

EXT.P6: TRUE COPY OF THE ORDER OF THE DIRECTOR OF PUBLIC INSTRUCTION DATED 27/09/2005.

EXT.P7: TRUE COPY OF THE GO(MS) NO. 19/09/G/EDN DATED 09/02/2009 OF THE GOVERNMENT.

EXT.P8: TRUE COPY OF THE GO(RT) NO. 3445/2014/G.EDN. DATED 27/08/2014 OF THE GOVERNMENT.

EXT.P9: TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT BY 1ST PETITIONER DATED 10/03/2015.

EXT.P10: TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT BY 2ND PETITIONER DATED 10/03/2015.

EXT.P11: TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT BY 3RD PETITIONER DATED 10/03/2015.

EXT.P12: TRUE COPY OF THE STAFF FIXATION ORDER 2003-2004 DATED 17/03/2004.

EXT.P13: TRUE COPY OF THE STAFF FIXATION ORDER 2004-2005 DATED 11/10/2006.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

A. MUHAMED MUSTAQUE, J.

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W.P.(C) No.8979 of 2015

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Dated this the 20th day of March, 2015

JUDGMENT

Petitioners were appointed as HSA in S.N.T. Higher Secondary School, Nangairkulangara during the year 2003-04. The petitioners' grievance is regarding approval of their appointments from the date of appointment till 31.01.2006. The approval was declined stating that protected teachers were not appointed by the Manager. It is pointed out that protected teachers have been appointed and the Government approved the appointment from 01.02.2006 onwards.

2. The learned counsel for the petitioners submitted that the petitioners are entitled for approval with effect from the date of appointment in the light of the judgment of this Court in **State of Kerala v. Nadeera** (2013(2) KLT 88).

3. In the facts and circumstances, I am of the view that since the Manager has performed his obligation by appointing protected teachers, the petitioners are entitled to get approval of their appointments from the date of appointment itself. In that view of the matter, there will be a direction to the 1st respondent to

approve the appointments of the petitioner with effect from the date of appointment itself and release necessary benefits to them, as early as possible, at any rate within a period of three months from the date of receipt of a copy of the judgment.

The writ petition is disposed of.

A. MUHAMED MUSTAQUE, JUDGE

sj