

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 20614 of 2005 (D)

PETITIONER:

**S. PRABHA, RETIRED HEADMISTRESS,
S.K.V.U.P. SCHOOL, EVOOR NORTH, VIA. HARIPAD
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.B.GOPAKUMAR
SMT.CHINCY GOPAKUMAR**

RESPONDENTS

- 1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.**
- 2. THE ASSISTANT EDUCATIONAL OFFICER,
HARIPAD, ALAPPUZHA DISTRICT.**
- 3. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GENERAL EDUCATION DEPARTMENT
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF GOVT. ORDER (PAY REVISION - 1997 NOTIONAL
FIXATION OF PAY TO HEADMASTERS - DT. 15.9.99)
- P2 : TRUE COPY OF GOVT. ORDER G.O.(P) 475/96(97)/FIN DT.6.7.1996
- P3 : TRUE COPY OF REPRESENTATION BY PETITIONER DT. 6.9.2001 TO
THE 1ST RESPONDENT
- P4 : TRUE COPY OF DO DT.22.10.2002 TO THE SECRETARY, GENERAL
EDUCATION, TRIVANDRUM
- P5 : TRUE COPY OF JUDGMENT IN W.P.(C) 26309/04 DT.9.9.2004 OF THIS
HON'BLE COURT
- P6 : TRUE COPY OF GOVT. ORDER G.O.(RT) NO.2280/05/G.EDNDT. 3.6.2005
- P7 : TRUE COPY OF GOVT. ORDER (P) NO.983/2000/FIN DT.22.6.2000

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 20614 of 2005 (D)

Dated this the 5th day of October, 2015

J U D G M E N T

The petitioner challenges Ext.P6 order dated 17.12.2003.

2. The petitioner was a Head Mistress who retired in the afternoon of 31.5.2002. The petitioner's contentions are that she was promoted with effect from 1.4.1993 and she could not opt in accordance with the Government Order 25/1993 and the subsequent orders granting re-option nor was she able to opt when the 1997 pay revision was implemented by the Government. The petitioner seeks re-fixation of the pay with effect from 1.11.1998 but the representation itself was filed on 06.09.2001.

3. The petitioner has not, at any time before the retirement or immediately thereafter, invoked the remedy available under Article 226 of the Constitution of India. The petitioner, even now, challenges Ext.P6 order dated

17.12.2003 by the present writ petition of July, 2005. The pay fixation made, far earlier, and the option and re-option permitted thereon had to be availed of, at the proper time and at this distance of time, especially after the retirement of the petitioner, no revision could be made nor could the petitioner be permitted to make a fresh option.

The Writ Petition hence would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE