

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 13642 of 2013 (E)

PETITIONER(S) :

1. SMT. SREEJAYA J., AGED 48 YEARS
W/O.SURESH KUMAR, TRAINED GRADUATE TEACHER GRADE-I
VIDYADHIRAJA VIDYAPREEDHOM SCHOOL, KOCHICKAL
PONNARAMTHOTTAM, MAVELIKKARA, ALAPPUZHA DISTRICT
PIN-690 101, RESIDING AT PUTHUPURAKKAL, WEST FORT
MAVELIKKARA, ALAPPUZHA DISTRICT, PIN-690 101.

2. SMT.LIZZY JACOB AGED 50 YEARS
W/O.UNNIKRISHNAN, TRAINED GRADUATE TEACHER GRADE-I
VIDYADHIRAJA VIDYAPREEDHOM SCHOOL, KOCHICKAL
PONNARAMTHOTTAM, MAVELIKKARA, ALAPPUZHA DISTRICT
PIN-690 101, RESIDING AT CHAMAPARAMBIL, WEST FORT
MAVELIKKARA, ALAPPUZHA DISTRICT, PIN-690 101.

BY ADVS.SRI.S.K.BALACHANDRAN
SMT.N.D.DEEPA
SRI.T.P.GEORGE
SRI.V.K.NANDAKUMARAN

RESPONDENT(S) :

1. VIDYADHIRAJA EDUCATIONAL & CHARITABLE TRUST
PONNARAMTHOTTAM, MAVELIKKARA, ALAPPUZHA DISTRICT
PIN-690 101, REPRESENTED BY ITS MANAGING TRUSTEE.

2. HEADMISTRESS
VIDYADHIRAJA VIDYAPREEDHOM L.P.SCHOOL, KOCHICKAL
MAVELIKKARA, ALAPPUZHA DISTRICT, PIN-690 101

3. ASSISTANT EDUCATIONAL OFFICER
MAVELIKKARA, PIN-690 101.

4. DISTRICT EDUCATIONAL OFFICER
MAVELIKKARA, PIN-690 101.

5. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVT. OF KERALA
DEPARTMENT OF GENERAL EDUCATION, GOVT. SECRETARIATE
THIRUVANANTHAPURAM. 695 001.

6. CENTRAL BOARD OF SECONDARY EDUCATION
REP. BY ITS SECRETARY, SHIKSHA KENDRA, 2
COMMUNITY CENTRE, PREET VIHAR, DELHI-110 092.

7. PRINCIPAL
VIDYADHIRAJA VIDYAPREEDHAM CENTRAL SCHOOL
PONNARAMTHOTTAM, MAVELIKKARA, ALAPPUZHA DISTRICT.

R1,R2 BY ADV. SRI.P.S.SREEDHARAN PILLAI
R1,R2 BY ADV. SRI.T.K.SANDEEP
R1,R2 BY ADV. SRI.ARJUN SREEDHAR
R1,R2 BY ADV. SRI.JOSEPH GEORGE (MULLAKKARIYIL)
R1,R2 BY ADV. SRI.ARUN KRISHNA DHAN
R1 BY ADV. SRI.KRB.KAIMAL (SR.)
R3-R5 BY ADV. GOVERNMENT PLEADER SMT.LOWSY.A
R BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.13642 OF 2013

Dated this the 11th day of August, 2015

J U D G M E N T

The petitioners had approached this Court through the present writ petition aggrieved by the actions of the respondents, who proposed to terminate the services of the petitioners, who are working as teachers in the recognised unaided School run by the respondents. It is pointed out that, during the pendency of the writ petition, the petitioners had attempted a settlement through mediation and the efforts were successful and the matter has been successfully settled between them. The memorandum of agreement drawn up under Section 89 of the Code of Civil Procedure read with Rules 24 and 25 of the Kerala Civil Procedure (Mediation), Rules, 2008, is produced before this Court and the terms of settlement reads as follows:

“The petitioners and 1st respondent have reached and mutually agreed upon compromise which is submitted before the mediation authority as settlement to be humbly submitted before the Hon'ble Court for approval and consequent orders thereupon. The respondents Nos.2 to 7 are not necessary parties for this settlement.

1. The petitioners, trained graduate teachers, will be treated as continuing in service on the basis of stay order dated 30.05.2013 on Ext.P3 and P4 by this Hon'ble Court without any break. For the academic year 2015-16, the petitioner may

be assigned any teaching as well as non-teaching jobs such as discipline/library/office/administrative/yoga etc., in the discretion of the 1st respondent. From the next academic year, the petitioners will be allotted to teaching schedule in full as per qualification.

2. As regard the claim for arrears from may 2013 to July 2015, it is agreed that the entire claim of arrears of salary of the petitioners shall stand settled and discharged on payment of a sum equal to the salary for a period of 10 months only. For the remaining months in which the salary is not paid (during the period May 2013 to July 2015), the Management shall bear the ESI and PF contribution.

3. From the date of joining by the petitioners after this settlement they shall be entitled to the increment in the salary as is applicable for teachers of their grade.

4. The above writ petition may be disposed off in terms of the above settlement."

Taking note of the above developments, the writ petition is closed by recording the above terms of settlement agreed to between the parties.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns