

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11370 of 2015 (U)

PETITIONER(S) :

SUMI DAVIS AGED 25 YEARS
WIFE OF BIJOY BABY
LOWER PRIMARY SCHOOL ASSISTANT, St.GEORGE C U P SCHOOL
KARANCHIRA, IRINJALAKKUDA, THRISSUR DISTRICT

BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD

RESPONDENT(S) :

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 DISTRICT EDUCATIONAL OFFICER
IRINJALAKKUDA, THRISSUR DISTRICT 680 121
4. THE ASSISTANT EDUCATIONAL OFFICER
IRINJALAKKUDA, THRISSUR DISTRICT 680121
5. THE CORPORATE MANAGER
FRANCISCAN CLARIST CONGREGATION SCHOOL
ALERNIA PROVINCIAL HOUSE, CHALAKKUDY 680 307
THRISSUR DISTRICT

R BY GOVERNMENT PLEADER(SR) : ADV.SRI.V VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT P1 : TRUE COPY OF APPOINTMENT OF THE PETITIONER DATED 09.06.2008 AND APPROVAL THEREON

EXT P2 : TRUE COPY OF the G.O(P) .NO.104/2008/G.EDN DATED 10.06.2008 OF THE GOVERNMENT

EXT P3 : TRUE COPY OF THE APPEAL FILED BEFORE THE DIST.EDNL.OFFICER BY the MANAGER DATED 03.01.2009

EXT P4 : TRUE COPY OF THE APPEAL FILED BEFORE the 2nd RESPONDENT BY THE MANAGER

EXT P5 : TRUE COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 07.04.2009

EXT P6 : TRUE COPY OF the ORDER NO.F2/50742/2009/DPI/K.DIS. DATED 26.08.2009 OF the 2nd RESPONDENT

EXT P7 : TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DATED 12.10.2009 BY the MANAGER

EXT P8 : TRUE COPY OF THE G.O(Rt) .NO.4606/09/GE DATED 06.11.2009 OF THE GOVERNMENT

EXT P9 : TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 01.01.2010

EXT P10 : TRUE COPY OF THE G.O(Rt) .NO.2680/2010/G.Edn. DATED 21.06.2010 OF THE GOVERNMENT

RESPONDENTS EXHIBITS: NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.11370 of 2015
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Dated this the 07th day of April, 2015

JUDGMENT

Petitioner was appointed as Lower Primary School Assistant with effect from 09.06.2008 to 31.12.2009 in the leave vacancy of Smt.Princy M.M who entered on leave from 01.04.2005 to 31.12.2009. The educational officers approved appointment of the petitioner on daily wage basis as the appointment do not cover full academic year ie, from 09.06.2008 to 31.03.2009 and from 01.06.2009 to 31.12.2009. This was challenged before the Government. Government also confirmed the order of the educational officers.

2. In view of the judgment in **State of Kerala Vs. Sneha Cherian's case** referred supra, appointment of the petitioner shall be on regular scale of pay with effect from the date of appointment. Petitioner shall be given entire arrears of salary with effect from the date of appointment within a period of three months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/09/04/15