

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 14147 of 2013 (P)

PETITIONER:

**P.GIRIJA
HSA (SOCIAL STUDIES) PARLI HIGH SCHOOL, PARLI
PALAKKAD-678 612.**

BY ADV. SRIJACOB SEBASTIAN

RESPONDENTS:

**1. THE DISTRICT EDUCATIONAL OFFICER
PALAKKAD, PALAKKAD DISTRICT-678 001.**

**2. THE MANAGER
PARLI HIGH SCHOOL, PARLI, PALAKKAD-678 612.**

**R2 BY ADV. DR.V.N.SANKARJEE
R BY GOVERNMENT PLEADER SMT. A LOWSY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 14147 of 2013 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1.A** **TRUE COPY OF THE JUDGMENT DATED 21/3/2013 IN WPC NO.5470/2012.**
- EXHIBIT P2** **.A TRUE COPY OF THE ORDER DATED 21/6/2012 OF THE 1ST RESPONDENT**
- EXHIBIT P3.** **A TRUE COPY OF THE ORDER DATED 29/9/2012 (RECEIVED BY THE PETITIOONER ON 11/10/2012) OF THE DEPUTY DIRECTOR OF EDUCATION.**
- EXHIBIT P4.** **A TRUE COPY OF THE COMMON JUDGMENT DATED 19/10/2012 IN WPC NO.16670 AND 24217/2012.**
- EXHIBIT P5.** **A TRUE COPY OF THE APPOINTMENT ORDER DATED 2/2/2013.**
- EXHIBIT P6.** **A TRUE COPY OF THE REPORT OF TRANSFER OF CHARGE.**
- EXHIBIT P7.** **A TRUE COPY OF THE ORDER DATED 21/3/2013 OF THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

A.MUHAMED MUSTAQUE, J.

.....
WP(C).No. 14147 of 2013
.....

Dated this the 6th day of February, 2015.

J U D G M E N T

Petitioner was appointed as Headmistress in an aided School pursuant to the directions of this Court in Ext.P4 judgment. The judgment was rendered on 19-10-2012. The petitioner was appointed as Headmistress with effect from 1-6-2012. But the petitioner was denied salary and other allowances with effect from 1-6-2012 for the reason that the petitioner's appointment was pursuant to the directions of this Court dated 19-10-2012. The petitioner was given salary of Headmistress only with effect from 2-2-2013.

2. The petitioner's case is that she is entitled for salary and other allowances admissible for the post of Headmistress with effect from 1-6-2012. The petitioner was working as Headmistress and discharged the duties of Headmistress even before the date of judgment. This

Court did not find that the petitioner is only entitled for appointment from prospective date. The Manager also affirmed that petitioner has been discharging the duties of Headmistress with effect from 1-6-2012.

Under such facts and circumstances, having granted approval with effect from 1-6-2012, salary and other allowances cannot be denied to the petitioner. To deny salary and allowances to the petitioner can only be on the ground that the petitioner did not discharge the duties of Headmistress with effect from 1-6-2012. The department has no case that the petitioner did not carry the duties and functions as Headmistress from 1-6-2012. Only because the approval has been granted based on the directions of this Court, that did not give an indication that the petitioner never worked as Headmistress before the date of judgment of this Court.

In view of the above the writ petition is allowed. There shall be a direction to re-fix the salary and benefits to the petitioner with effect from 1-6-2012 in the post of Headmistress and release the difference of salaries to

the petitioner from 1-6-2012 till February 2013 within a period of two months.

smm

**A.MUHAMED MUSTAQUE,
(Judge)**