

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).NO. 13474 OF 2014 (H)

PETITIONER(S):

**CELIN JOHN, AGED 37 YEARS,
WIFE OF VINOD JOHN, UPPER PRIMARY SCHOOL ASSISTANT,
C.M.S. HIGH SCHOOL, KATTANAM, P.O. PALLICKAL,
KAYAMKULAM, ALAPPUZHA DISTRICT.**

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

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 DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA- 688 001.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
MAVELIKKARA, ALAPPUZHA DISTRICT- 690 101.**
- 5. THE CORPORATE MANAGER,
C.M.S. SCHOOLS, CATHEDRAL ROAD, KOTTAYAM- 686 001.**

**R1 TO R4 BY GOVT. PLEADER SMT.SUNITHA VINOD.
R5 BY ADV. SRI.T.V.VIJAYARAJAN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED 10-06-2008 OF THE PETITIONER.
- EXHIBIT P2 TRUE COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION DATED 25-08-2009.
- EXHIBIT P3 TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 22-03-2010.
- EXHIBIT P4 TRUE COPY OF THE G.O(RT) NO.612/2010/G.EDN DATED 08-02-2010 OF THE GOVERNMENT.
- EXHIBIT P5 TRUE COPY OF THE APPROVED APPOINTMENT ORDER OF THE PETITIONER DATED 16-11-2009.
- EXHIBIT P6 TRUE COPY OF THE ORDER OF THE LETTER OF THE GOVERNMENT DATED 11-02-2011.
- EXHIBIT P7 TRUE COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 30-03-2011.
- EXHIBIT P8 TRUE COPY OF THE G.O(P) NO.104/2008 G.EDN DATED 10-06-2008 OF THE GOVERNMENT.
- EXHIBIT P9 TRUE COPY OF THE G.O(P) NO.56/2011/G.EDN DATED 26-02-2011 OF THE GOVERNMENT.
- EXHIBIT P10 TRUE COPY OF THE DECISION REPORTED IN 2009(2) KLT 604 DATED 06-04-2009.
- EXHIBIT P11 TRUE COPY OF THE DECISION REPORTED IN 2013(1) KHC 660(SC) DATED 22-02-2013.
- EXHIBIT P12 TRUE COPY OF THE DECISION REPORTED IN 2013(4) KLT 921 DATED 01-11-2013.
- EXHIBIT P13 TRUE COPY OF THE REVIEW PETITION FILED BEFORE THE GOVERNMENT DATED 19-04-2014.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.13474 of 2014

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner was appointed as UPSA from 10.6.2008 against long leave vacancy. The appointment of the petitioner was approved from 10.6.2008 to 31.3.2009 on daily wage basis and thereafter, from 1.6.2009 onwards on regular scale of pay. The petitioner submits that she is entitled for regular scale of pay in the light of the judgment of this Court in **State of Kerala and Others v. Sneha Cheriyan and Another [2013(1) KLT 755]**. The issue is covered in favour of the petitioner in the light of **Sneha Cheriyan's** case (*supra*). Thus, the petitioner is entitled for approval on regular scale of pay with effect from 10.6.2008 onwards. Necessary monetary benefits shall be granted to the petitioner on regular scale of pay from 10.6.2008 within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE