

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C) .No. 15367 of 2014 (U)

PETITIONER(S) :

VIJEESH T.T.
LOWER PRIMARY SCHOOL ASSISTANT (LPSA)
S.P.H. VILASAM J.B.SCHOOL, VADAKARA
KOZHIKODE DISTRICT

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S) :

1. THE STATE OF KERALA
REP.BY SECRETARY
GENERAL EDUCATION DEPARTMENT THIRUVANANTHAPURAM-1.

2. THE DISTRICT EDUCATIONAL OFFICER
VADAKARA, KOZHIKODE DISTRICT - 673101.

3. THE ASSISTANT EDUCATIONAL OFFICER
VADAKARA, KOZHIKODE DISTRICT- 673101.

4. THE MANAGER
S.P.H.VILASAM J.B.SCHOOL, VADAKARA
KOZHIKODE DISTRICT 673 101.

R2 BY ADV. GOVERNMENT PLEADER: SMT LOWSY A

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P1 - TRUE COPY OF APPOINTMENT ORDER IN FORM 27 DATED 20-12-2012
AND THE PROCEEDINGS OF APPROVAL 07-3-2013 OF THE 3RD RESPONDENT

EXT.P2 - TRUE COPY OF APPEAL FILED BEFORE THE 2ND RESPONDENT DATED
27-3-2013

EXT.P3 - TRUE COPY OF ORDER DATED 31-5-2013 OF THE 2ND RESPONDENT.

EXT.P4 - TRUE COPY OF GO(P) NO.144/13/G.EDN. DATED 22-04-2013

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.15367 of 2014
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Dated this the 10th day of February, 2015

JUDGMENT

Petitioner was appointed as Lower Primary School Assistant in the 4th respondent school in a resignation vacancy from 20.12.2012 onwards. The Assistant Educational Officer third respondent approved the appointment of petitioner only on daily wages with effect from 20.12.2012 to 31.03.2013. The Manager filed an appeal before the second respondent challenging the approval of appointment of the petitioner on daily wage basis. Petitioner submits that in view of the fact that he is appointed in a regular vacancy, he is entitled for regular scale of pay and there is no impediment in paying regular scale of pay to him. Petitioner placed reliance on the decisions in **Nair Service Society Vs. State of Kerala (2013(4) KLT 921)** and **State of Kerala Vs. Sneha Cheriyan (2013(1) KLT 755(SC))**.

2. In the light of the legal position as declared in the **Nair Service Society's** case, I am of the view, petitioner is entitled to regular scale of pay. Accordingly, the Writ Petition is allowed. There shall be a direction to approve the appointment of petitioner on regular scale of pay and pay difference in salary and monetary

benefits to the petitioner within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

Sbna/11/02/15