

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 18646 of 2011 (E)

PETITIONER(S) :

**JOHN THOMAS,
ASSISTANT TEACHER, LIGHT TO THE BLIND SCHOOL,
SREENIVASAPURAM P.O., VARKALA, THIRUVANANTHAPURAM.**

BY ADV. SRI.D.SREEKUMAR

RESPONDENT(S) :

- 1. THE STATE OF KERALA REPRESENTED
BY THE PRINCIPAL SECRETARY, EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695 014.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
ATTINGAL, THIRUVANANTHAPURAM-695 101.**
- 4. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM-695 001.**

BY SR.GOVERNMENT PLEADER SMT.K.SUNITHA VINOD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF REVIEW PETITION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 08.04.2005.
- EXHIBIT P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 06.11.2006.
- EXHIBIT P3: TRUE COPY OF THE LETTER SENT BY THE 4TH RESPONDENT OF THE 3RD RESPONDENT DATED 05.04.2008.
- EXHIBIT P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 02.08.2008.
- EXHIBIT P5: TRUE COPY OF LETTER SENT BY THE 2ND RESPONDENT TO THE PETITIONER DATED 13.08.2009.
- EXHIBIT P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 16.11.2009.
- EXHIBIT P7: TRUE COPY OF THE REPLY SENT BY THE 1ST RESPONDENT TO THE PETITIONER DATED 04.06.2011.
- EXHIBIT P8: TRUE COPY OF THE CIRCULAR NO.44060/J2/11/GEDN. DATED 26.09.2012 ISSUED BY THE GENERAL EDUCATION (J) DEPARTMENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.18646 of 2011

Dated this the 19th day of March, 2015

JUDGMENT

The petitioner's claim for reckoning increment based on previous service has been rejected by Ext.P7. It is challenging Ext.P7 order, the petitioner has approached this Court.

2. The petitioner relies on Ext.P8 Government Circular dated 26.9.2012 and also Rule 61(4) of Chapter XIV-A of the Kerala Education Rules (KER) and submits that the petitioner is eligible for increment by reckoning broken period of service.

I am of the view, the impugned order does not reflect the Government Circular produced as Ext.P8 as well as Rule 61(4) of Chapter XIV-A of the KER. In that view of the matter, Ext.P7 is set aside. The matter shall be reconsidered in the light of Ext.P8 Government Circular dated 26.9.2012 as well

as by taking note of Rule 61(4) of Chapter XIV-A of the KER. Needful shall be done by the first respondent in this matter after hearing the petitioner within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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