

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).NO. 15762 OF 2015 (U)

PETITIONER(S)/PETITIONER:

C.M.SHAJINA, AGED 36 YEARS
WIFE OF MUHAMMED SUDEER
HIGH SCHOOL ASSISTANT (NATURAL SCIENCE)
M M M HIGHER SECONDARY SCHOOL, P.O. KUTTAYI, TIRUR
MALAPPURAM DISTRICT-676562.

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

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM-695014.

3. THE DISTRICT DIRECTOR OF EDUCATION
DOWN HILL, MALAPPURAM DISTRICT-676519.

4. THE DISTRICT EDUCATIONAL OFFICER
TIRUR, MALAPPURAM DISTRICT-676101.

5. THE MANAGER
M M M HIGHER SECONDARY SCHOOL, P.O.KUTTAYI, TIRUR
MALAPPURAM-676562.

6. THE HEADMASTER
M M M HIGHER SECONDARY SCHOOL, P.O.KUTTAYI, TIRUR
MALAPPURAM-676562.

BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 15762 OF 2015 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE JUDGMENT IN WPC NO. 22375/2014-V DATED
7-10-2014.

EXHIBIT P2- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE
DISTRICT EDUCATIONAL OFFICER DATED 2-3-2015.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.15762 of 2015

.....
Dated this the 28th day of May, 2015

J U D G M E N T

The petitioner who was working as H.S.A (Natural Science) in the 5th respondent's School was shifted against a regular vacancy that arose consequent to the termination from service of Smt.Suja.K.Jojn, H.S.A (Natural Science) with effect from 16.09.2012. When the salary of the petitioner was not disbursed, notwithstanding the approval of the appointment of the petitioner, the petitioner had approached this Court through the W.P.(C). No.22375/2014 which was disposed with a direction to the Headmaster of the School to forward the salary bills to the Educational Officer who, in turn, was directed to disburse the same. It is the case of the petitioner that consequent to the said direction of this Court, the salary of the petitioner was disbursed but the petitioner was not granted the increments and corresponding Dearness Allowance that was due to her. Aggrieved by the said non-disbursal of increments and Dearness Allowance, the petitioner approached the 4th respondent through the 6th respondent. Ext.P2 is the representation preferred by the petitioner before the 4th respondent through the 6th respondent. In the writ petition, the limited prayer of the petitioner is for a direction to the 4th respondent to consider and pass orders on Ext.P2 representation of

the petitioner which has been forwarded to him through the 6th respondent.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 4th respondent to consider and pass orders on Ext.P2 representation preferred by the petitioner after hearing her, within a period of one month from the date of receipt of a copy of the judgment. To enable the 4th respondent to do so, I direct the petitioner to produce a copy of the writ petition along with a copy of this judgment before the 4th respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns