

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).NO. 17160 OF 2015 (T)

PETITIONER(S)/PETITIONER:

PRASEETHA MOHANAN AGED 25 YEARS
WIFE OF ARUN KUMAR, UPPER PRIMARY SCHOOL ASSISTANT
SREE NARAYANA HIGHER SECONDARY SCHOOL, OKKAL, 683550
PERUMBAVOOR, ERNAKULAM DISTRICT.

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 DEPUTY DIRECTOR OF EDUCATION
ERNAKULAM AT KAKKANAD-682030.

4. THE DISTRICT EDUCATIONAL OFFICER
KOTHAMANGALAM, ERNAKULAM DISTRICT-686691.

5. THE MANAGER
SREE NARAYANA HIGHER SECONDARY SCHOOL, OKKAL-683550
PERUMBAVOOR, ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .NO. 17160 OF 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 15-7-2010 AND APPROVAL THEREOF.

EXHIBIT P2- TRUE COPY OF THE STAFF FIXATION ORDER 2014-2015 DATED 19-07-2014.

EXHIBIT P3- TRUE COPY OF THE STAFF LIST AS ON 31-03-2013.

EXHIBIT P4- TRUE COPY OF THE ORDER NO. B2/1388/2015 DATED 28-03-2015 OF THE 4TH RESPONDENT.

EXT.P5- TRUE COPY OF THE REVISION PETITION FILED BEFORE THE 2ND RESPONDENT DATED 05.05.2015

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.17160 of 2015

.....
Dated this the 9th day of July, 2015

J U D G M E N T

The petitioner was appointed as UPSA in the 5th respondent School with effect from 15.07.2010. When the appointment was sent for approval, the approval was granted only with effect from 01.06.2011. In the meanwhile, the staff fixation for the academic year 2014-2015 was completed in the School. According to the petitioner, the petitioner being the holder of the 18th post of UPSA in the School, was entitled to be retained in the School. It is his submission, however, that with effect from 14.07.2014, he was denied salary notwithstanding the fact that he was working against an admissible post. It is under these circumstances, that the petitioner preferred this writ petition seeking a revision of the staff fixation order for the academic year 2014-2015, so that the petitioner's appointment for the prior period could be approved and he could get salary and other allowances admissible to the post.

When the matter came up for admission, the learned Government Pleader on instructions submitted that since the staff

fixation order for 2014-2015 was passed before the approval granted to the appointment of the petitioner, it was incumbent upon the petitioner to challenge the staff fixation order for the purposes of setting right the discrepancies with regard to the date from which the appointment is approved. Taking note of the said submission of the learned Government Pleader, the petitioner has now, through I.A.No.9530 of 2015, produced as Ext.P5, a copy of the revision petition dated 05.05.2015 filed before the 2nd respondent. It is the submission of counsel for the petitioner that he will be satisfied with a direction to the 2nd respondent to consider and pass orders on Ext.P5 revision petition expeditiously, after hearing the petitioner.

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 and submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P5 revision petition preferred by the petitioner before him. The 2nd respondent shall pass orders in the matter after hearing the petitioner within a period of six weeks from the date of receipt of a

copy of this judgment. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 2nd respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns