

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 18905 of 2014 (K)

PETITIONER:

**JAYARAMAN. K.,
HSST (ENGLISH)(JUNIOR) HIGHER SECONDARY SCHOOL,
MUNDUR, PALAKKAD.**

BY ADV. SRI.PAULSON THOMAS

RESPONDENT(S)/RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, EDAPPALLY
ERNAKULAM - 682 024.**
- 4. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, MALAPPURAM - 676 505.**
- 5. THE MANAGER,
HIGHER SECONDARY SCHOOL, MUNDUR, PALAKKAD.**
- 6. MRIDULA M.,
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
HIGHER SECONDARY SCHOOL, MUNDUR, PALAKKAD - 678 592.**

**R1 to R4 BY (SR) GOVERNMENT PLEADER SMT. M.J.RAJASREE
R5 BY ADV. SRI.E.S.ASHRAF
R6 BY ADV. SRI.U.BALAGANGADHARAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY G.O.(MS)NO.128/2010/GEN.EDN. DATED 20.07.2010.

EXHIBIT P2. TRUE COPY G.O.(MS)NO.211/2011/GEN.EDN. DATED 24.10.2011.

EXHIBIT P2(A).TRUE COPY CIRCULAR NO.ACD B5/47005/HSE/2010 DATED 15.11.2011.

EXHIBIT P3. TRUE COPY STAFF FIXATION ORDER FOR THE ACADEMIC YEAR
NO.B3/17658/11/RDD/HSE/EKM. DATED 25.01.2012.

EXHIBIT P4. TRUE COPY APPROVAL ORDER DATED 25.07.2012.

EXHIBIT P5.TRUE COPY G.O.(MS)NO.76 OF 2013/GEN. EDN. DATED 23.02.2013.

EXHIBIT P6. TRUE COPY STAFF FIXATION ORDER ISSUED BY THE 3RD
RESPONDENT22/04/2013.

EXHIBIT P7. TRUE COPY APPROVAL ORDER DATED 06.11.2013.

EXHIBIT P8.TRUE COPY JUDGMENT IN W.P.(C)15417 OF 2013 DATED 18.07.2013.

EXHIBIT P9.TRUE COPY G.O(RT)NO.2148/14/GEN. EDN. DATED 02.06.2014.

EXHIBIT P10.TRUE COPY ORDER IN W.P.(C)37392/2009 DATED 11.02.2010.

EXHIBIT P11- TRUE COPY OF JUDGMENT IN WP(C) 20849/13 DATED 19/09/14.

EXHIBIT P12- TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER.

EXHIBIT P13- TRUE COPY OF THE G.O.(MS) 161/2004 DATED 14/06/2004.

EXHIBIT P14- TRUE COPY OF THE G.O.(MS) 43/2005 DATED 11/02/2005.

EXHIBIT P15- TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED
01/03/2014.

RESPONDENT(S)' EXHIBITS : **NIL**

/TRUE COPY/

P.A.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.18905 of 2014**  
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Dated this the 24th day of March, 2015

J U D G M E N T

The petitioner has been appointed as Higher Secondary School Teacher (Junior) English on 12/12/2011. He has approached this Court aggrieved by the denial of the Government to upgrade the post of HSST(Junior) as HSST for the academic year 2010-11 from the date of appointment i.e. 12/12/2011. The Government only granted upgradation prospectively with effect from Ext.P5 Government order dated 23/02/2013. It is to be noted that this Court in W.P.(C). No.20849/2013 while interfering with the decision of the Government to give sanction for upgradation of the posts only prospectively, directed the Government to give effect to the same from the commencement of the

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academic year 2011-12. Consequently, the petitioner's appointment has also been given effect as HSST for upgraded post during the academic year 2011-12. The Manager also forwarded the proposal for revising the appointment given to the petitioner with effect from 12/12/2011 in the vacancy of the post created as per government order dated 24/10/2011. The petitioner herein and others had raised this issue in W.P.(C). No.32430/2014 and connected cases wherein this Court approved the appointment from the date of commencement of the academic year subject to physical verification. It is pursuant to that a revised appointment order dated 16/03/2015 appointing the petitioner as HSST (English) in Higher Secondary School, Mundur with effect from 12/12/2011 (FN) onwards has been issued, a copy of which is produced before me for perusal.

2. In that view of the matter, the writ petition is allowed and it is declared that the petitioner will be entitled for all consequential benefits with effect from the date of appointment including seniority and

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there shall be a direction to release all the entire benefits in the post of HSST within a period of three months. Therefore, Ext.P9 is quashed. Consequent upon the setting aside of Ext.P9 order, if the petitioner is the senior-most claimant in terms of G.O.(MS). No.43/2005/G.Edn., dated 11/02/2005, the Manager shall take steps to post the petitioner as the Principal-in-charge of the Higher Secondary School, Mundur.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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