

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).NO. 18721 OF 2015 (M)

PETITIONER(S) :

CHITHRA RAJAGOPAL AGED 40 YEARS
W/O. P.N. VINAYA KUMAR
HIGHER SECONDARY SCHOOL TEACHER (JUNIOR) MALAYALAM
N.S HIGHER SECONDARY SCHOOL, NEDUMUDY
P.O. NEDUMUDY, ALAPPUZHA - 688 503.

BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM -695 001.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDINGS, SANTHI NAGAR
THIRUVANANTHAPURAM -695 001.

3. THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION,
CIVIL STATION, KOTTAYAM - 686 001.

4. THE MANAGER,
N.S. HIGHER SECONDARY SCHOOL, NEDUMUDY, P.O.NEDUMUDY
ALAPPUZHA DISTRICT- 688 503.

BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 18721 OF 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 07/09/2009 AND APPROVAL THEREON.

EXHIBIT-P2-TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 02/06/2014.

EXHIBIT-P3-TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 04/06/2015.

EXHIBIT-P4-TRUE COPY OF THE REVISION FILED BEFORE THE GOVERNMENT BY THE MANAGER DATED 15/06/2015.

EXHIBIT-P5-TRUE COPY OF THE REQUEST SUBMITTED BEFORE THE 3RD RESPONDENT DATED 02/06/2014 BY THE PETITIONER ALONG WITH DECLARATION OF THE MANAGER DATED 02/06/2014.

EXHIBIT-P6-TRUE COPY OF THE REVISION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 23/05/2015.

EXHIBIT-P7-TRUE COPY OF THE G.O(RT) 4314/98/G.EDN. DATED 05/11/1998 OF THE GOVERNMENT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.18721 of 2015

.....
Dated this the 8th day of July, 2015

J U D G M E N T

The petitioner, was appointed as H.S.A Malayalam with effect from 07.09.2009. The said appointment was approved by the educational authority. Subsequently he got appointment as HSST (Junior) Malayalam, from 02.06.2014, under the 25% quota reserved for by transfer appointment. While the said appointment was sent for approval, the educational authorities denied approval citing a dispute with regard to the eligibility of the petitioner for appointment under the 25% quota reserved for by transfer candidates. Faced with the said situation, the petitioner submitted a request before the 3rd respondent to permit her to draw the lower scale of salary applicable to the post of H.S.A. Malayalam, till such time as her appointment as H.S.S.T (Junior) Malayalam was approved by the authorities. When no reply was forthcoming from the 3rd respondent, the petitioner approached this Court through the present writ petition. In the writ petition, the petitioner seeks a direction to the 3rd respondent to release the salary and allowances due to the petitioner at the lower scale of pay with effect from 02.06.2014.

2. When the matter came up for admission on 23.06.2015, this Court had directed the learned Government Pleader to get instructions in the matter. The Government Pleader on instructions would submit that by an order dated 27.06.2015, the 3rd respondent has since sanctioned the lower scale of pay to the petitioner till such time as a decision is taken in the matter of approval to the appointment of the petitioner as HSST (Junior).

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

4. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking note of the order stated to have been passed by the 3rd respondent, I dispose the writ petition with a direction to the respondents to ensure that the amounts sanctioned in favour of the petitioner, by the order dated 27.06.2015, is paid to the petitioner within a period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

