

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19449 of 2015 (E)

PETITIONER(S):

**1. SHINOJ JACOB, H.S.S.T(JUNIOR) ENGLISH,
CHEMBILODE HIGHER SECONDARY SCHOOL,
THALAVIL, POTHUVACHERY, KANNUR DISTRICT.**

**2. AJEESH C.,
H.S.S.T. (JUNIOR) COMMERCE,
CHEMBILODE HIGHER SECONDARY SCHOOL,
THALAVIL, POTHUVACHERY, KANNUR DISTRICT.**

**BY DR.K.P.SATHEESAN, SENIOR ADVOCATE.
ADVS. SRI.P.MOHANDAS (ERNAKULAM),
SRI.ANOOP.V.NAIR,
SRI.S.VIBHEESHANAN.**

RESPONDENT(S):

**1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION (T) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

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

**3. THE JOINT DIRECTOR (ACADEMIC),
OFFICE OF THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM-695 001.**

**4. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION,
REGIONAL OFFICE, KOZHIKODE-673 001.**

WP(C).No. 19449 of 2015 (E)

**5. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION,
REGIONAL OFFICE, KANNUR-671 001.**

BY GOVT. PLEADER SMT.LOWSY. A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : TRUE COPY OF THE ORDER NO.B4/3629/2013/K.DIS DATED 13-02-2014 ISSUED BY THE 4TH RESPONDENT.
- P2 : TRUE COPY OF ORDER NO.B4/3629/2013/K.DIS DATED 13-02-2014 ISSUED BY THE 4TH RESPONDENT.
- P3 : TRUE COPY OF DIRECTION GIVEN BY THE 2ND RESPONDENT TO RESPONDENTS 4 AND 5 DATED 19-12-2013.
- P4 : TRUE COPY OF JUDGMENT DATED 10-01-2006 IN WP(C).NO.10845/2005.
- P5 : TRUE COPY OF JUDGMENT DATED 22-05-2012 IN WP(C).NO.5709/2007 PUBLISHED IN THE WEBSITE OF THIS HON'BLE COURT.
- P6 : TRUE COPY OF ORDER NO.B3/5085/RDDE/HSE/2013 DATED 14-06-2013 ISSUED BY THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY EDUCATION, ERNAKULAM.
- P7 : TRUE COPY OF ORDER NO.B3/5086/RDDE/HSE/2013 DATED 19-06-2013 ISSUED BY THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY EDUCATION, ERNAKULAM.
- P8 : TRUE COPY OF THE LETTER WRITTEN BY THE 2ND RESPONDENT TO THE FIRST RESPONDENT DATED 11-04-2013.
- P9 : TRUE COPY OF APPOINTMENT ORDER ISSUED TO THE 1ST PETITIONER BY THE MANAGER.
- P9(A) : TRUE COPY OF APPOINTMENT ORDER ISSUED TO THE 2ND PETITIONER BY THE MANAGER.
- P10 : TRUE COPY OF JUDGMENT IN WP(C).NO.16613/2014 PASSED BY THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 19449 of 2015

Dated this the 29th day of June, 2015

JUDGMENT

The petitioners, who were appointed as HSST in the respondent School in March 2013, are aggrieved by orders approving their appointment only with effect from June, 2013 and July, 2014 respectively, when the Government sanctioned posts to accommodate the petitioners in the School.

The issue involved in this writ petition is squarely covered in favour of the petitioners by Ext.P10 judgment, that was rendered in W.P.(C) No.16613 of 2014, where the facts were similar. Accordingly, I find that the petitioners in the instant writ petition are also entitled to the directions issued in respect of approval from the date of appointment as in the case of the petitioners covered by Ext.P10 judgment. Accordingly, the impugned orders in this writ petition, that approve the appointment of the petitioners as HSST with effect from the date subsequent to the date of their actual appointment in the school, are quashed and the writ petitions are allowed by holding that the petitioners are entitled to approval of their appointment with effect from the date of their appointment in the School. Consequently, I also make it clear that the petitioners would not be required to pay contribution to the contributory

pension scheme, that was introduced with effect from 01.04.2013. The respondents shall do the needful in granting the consequential benefits due to the petitioners, within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das