

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 22108 of 2013 (K)

PETITIONER(S):

1. K.T. PAUL, S/O K.C THOMAS,AGED 48 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT -680 309
2. JAYA.I,S/O DEVARAJ K MENON,AGED 39 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT- 680 309
3. ELDHOSE JACOB, S/O A.M. CHACKO,AGED 35 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT -680 309
4. PRIYALEKSHMY.R,W/O SONY XAVIER,AGED 35 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT- 680 309
5. GIGI VARGHESE, W/O PAUL CHACKO,AGED 40 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT- 680 309
6. MAGI MANI, W/O ROHIN JOY,AGED 30 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT- 680 309
7. JAYA.N, W/O RAVI.I,AGED 36 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT- 680 309
8. RATHEESH R. MENON,
S/O P. RADHAKRISHNA MENON,AGED 31 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL ,
ANNANAD, THRISSUR DISTRICT -680 308

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9. BINOY THOMAS,
S/O C.V THOMAS,AGED 33 YEARS,
HIGHER SECONDARY SCHOOL TEACHER
UNION HIGHER SECONDARY SCHOOL,
ANNANAD, THRISSUR DISTRICT- 680 308
10. SNIDHA THOMAS K,
W/O SIJU S. PULIKKOTTIL,AGED 30 YEARS,
HIGHER SECONDARY SCHOOL TEACHER,
M.A.M.HIGHER SECONDARY SCHOOL,
KORATTY, THRISSUR DISTRICT- 680 308
11. GLOVEY VINCENT,W/O. VARGHESE ANTONY,AGED 31 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, M.A.M.HIGHER SECONDARY
SCHOOL, KORATTY, THRISSUR DISTRICT,PIN-680 308
12. K.S.ASHA, W/O.P.A.SASI, AGED 41 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, M.A.M. HIGHER
SECONDARY SCHOOL, KORATTY, THRISSUR DISTRICT,PIN-680 308
13. ANJU FRANCIS, W/O.SINOY JOHN, AGED 31 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, M.A.M.HIGHER
SECONDARY SCHOOL, KORATTY, THRISSUR DISTRICT,PIN-680 308
14. ANITHA JOSE, W/O.ROSHIN ABRAHAM, AGED 29 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, M.A.M.HIGHER
SECONDARY SCHOOL, KORATTY, THRISSUR DISTRICT,PIN-680 308
15. SHEJIN.R., S/O.RAVEENDRAN.V., AGED 32 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV HIGHER
SECONDARY SCHOOL, EDAKKULAM.P.O., KOILANDI,
KOZHIKODE DISTRICT.
16. SARITH.K., S/O.SIVADASAN.K., AGED 31 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV HIGHER
SECONDARY SCHOOL, EDAKKULAM.P.O., KOILANDI,
KOZHIKODE DISTRICT.
17. RAJALAKSHMI.P, W/O.PUSHPARAJAN.N., AGED 51 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV
HIGHER SECONDARY SCHOOL, EDAKKULAM.P.O.,
KOILANDI, KOZHIKODE DISTRICT.
18. PRAVEENAT.C., W/O.DINOOP DAMODARAN,AGED 32 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV HIGHER
SECONDARY SCHOOL, EDAKKULAM.P.O., KOILANDI,
KOZHIKODE DISTRICT.
19. MANOJKUMAR.N.K., S/O.SANKARAN NAIR, AGED 45 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV HIGHER
SECONDARY SCHOOL, EDAKKULAM.P.O., KOILANDI,
KOZHIKODE DISTRICT.

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20. MIDHUN MOHAN.C., S/O.MOHANDAS,AGED 30 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV HIGHER
SECONDARY SCHOOL, EDAKKULAM.P.O., KOILANDI,
KOZHIKODE DISTRICT.
21. ROSHNA.V.M., W/O.SUNILKUMARK., AGED 31 YEARS,
HIGHER SECONDARY SCHOOL TEACHER, POIKAV HIGHER
SECONDARY SCHOOL, EDAKKULAM.P.O., KOILANDI,
KOZHIKODE DISTRICT.

BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,PIN-695 001
2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
SANTHI NAGER, THIRUVANANTHAPURAM-695 001
3. REGIONAL DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE,PIN-673 001
4. REGIONAL DEPUTY DIRECTOR OF EDUCATION,
REGIONAL OFFICE, EDAPALLY.P.O., ERNAKULAM-682 024.

BY SR GOVERNMENT PLEADER SMT.K.SUNITHA VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31-03-2015, ALONG WITH WPC.NO. 19607 OF 2014 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 22108 of 2013 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE GO(MS) NO 128/2010/G. EDN DATED 20-07-2010
ISSUED BY THE IST RESPONDENT**
- EXHIBIT P2 TRUE COPY OF THE GO(MS) NO 211/2011/G. EDN DATED 24-10-2011**
- EXHIBIT P3 TRUE COPY OF THE GO(MS) 76/2013/G. EDN DATED 23-02-2013**
- EXHIBIT P4 TRUE COPY OF THE GO(MS) NO 261/2001/G. EDN DATED 17-08-2001**
- EXHIBIT P5 TRUE COPY OF THE GO(MS) NO 466/05/G. EDN DATED 31-12-2005**
- EXHIBIT P6 TRUE COPY OF THE GO(MS) NO 28/2007/G. EDN DATED 07-02-2007**

RESPONDENT(S)' EXHIBITS

- EXHIBIT R2(A) TRUE COPY OF THE G.O(MS) NO.128/10/GL.EDN DATED
20/07/2010.**

/TRUE COPY/

P.S.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.22108/2013, 19607/2014,  
30926/2014, 31815/2014, 31814/2014  
& 2609/2015**  
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Dated this the 31st day of March, 2015

J U D G M E N T

These writ petitions are filed challenging the government order, G.O.(MS).No.76/2013/G.Edn., dated 23/02/2013 sanctioning upgradation of Higher Secondary School Teachers (Junior) posts to Higher Secondary School Teachers with effect from the date of the government order. The above government order was challenged before this Court in W.P.(C).No.20849/2014. Therein, this Court by judgment dated 19/09/2014 set aside the government order to the extent of having prospective application and held that retrospective application shall take into effect from the commencement of the academic year 2011-12 and subject to physical verification as to whether the petitioners qualify to hold the posts of Higher Secondary School Teachers in terms of Rule 1(d) of Chapter XXXII of the Kerala Education Rules.

W.P.(C).Nos.22108/2013 and connected cases

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2. Therefore, these writ petitions are disposed of in the light of the above judgment. The directions in the above judgment would also govern these writ petitions. Needful shall be done to comply with the judgment within a period of three months from the date of receipt of a copy of this judgment. The monetary benefits due to the petitioners shall be disbursed within a period of three months. No costs.

**Sd/-
A.MUHAMED MUSTAQUE, JUDGE**

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