

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 19862 of 2014 (G)

PETITIONER:

**GIBY THOMAS,
PHYSICAL EDUCATION TEACHER,
ST. PAUL'S HIGH SCHOOL,
VALIYAKUMARAMANGALAM,
MOONILAVU P.O., KOTTAYAM - 686 652.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED
BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM - 695 001.**
- 3. DEPUTY DIRECTOR OF EDUCATION,
VAYASAKARA KUNNU, KOTTAYAM- 686 001.**
- 4. DISTRICT EDUCATIONAL OFFICER,
POST OFFICE ROAD, PONKUNNAM,
KANJIRAPALLY - 686 506.**
- 5. THE CORPORATE MANAGER,
CORPORATE EDUCATIONAL AGENCY,
DIOCESE OF PALA, SHALOM PASTORAL CENTRE,
PALA P.O., KOTTAYAM - 686 575.**

**R1 TO R4 BY SENIOR GOVT. PLEADER SMT.SUNITHA VINOD
R5 BY ADV. SRI.GEORGEKUTTY MATHEW**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-03-2015 ALONG WITH WPC. 20520/2014 & CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 19862 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1- TRUE COPY OF THE APPOINTMENT ORDER DATED 01/06/2009.
- EXHIBIT-P2- TRUE COPY OF THE APPOINTMENT ORDER DATED 01/06/2010.
- EXHIBIT-P3- TRUE COPY OF THE APPOINTMENT ORDER DATED 04/06/2012 ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT-P4- TRUE COPY OF THE ORDER DATED 22/11/2012 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT-P5- TRUE COPY OF THE APPEAL DATED 03/12/2012 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 3RD RESPONDENT.
- EXHIBIT-P6- TRUE COPY OF THE ORDER DATED 05/03/2012 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT-P7- TRUE COPY OF THE APPEAL DATED 25/03/2013 SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P8- TRUE COPY OF THE G.O(P) 199/2011/G.EDN. DATED 01/10/2011.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos.19862, 20520, 20570, 21949,
22976 & 26629 of 2014

Dated this the 17th day of March, 2015

JUDGMENT

Petitioners in these writ petitions question the rejection of approval of appointment as Specialist Teachers in various aided schools. The petitioners also seek declaration to the effect that clause C(iii) of Ext.P8 Government Order is issued in violation of Section 11 of the Kerala Education Act, 1958 and Rule 1(i) of Chapter XIV-A of the Kerala Education Rules, 1959.

2. The approval of the petitioners have been rejected citing the aforementioned clause which mandates that the appointment of Specialist Teachers shall be made through the Kerala Public Service Commission.

3. The above mentioned Government Order was the subject matter of challenging the writ petitions in W.P.(C) No.30107/2013 and connected cases, this Court set aside the aforesaid Government Order.

In view of the setting aside of the afore-noted Government Order, if there is no other impediment in approving the appointment of the petitioners, there shall be a direction to competent among respondents to approve the appointment of the petitioners with effect from the date of the appointment. Needful shall be done to approve the appointment of the petitioners within a period of one month from the date of receipt of a copy of this judgment. Thereafter, the entire arrears of salary shall be released to the petitioners within a further period of three months.

These writ petitions are allowed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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