

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 19830 of 2015 (C)

PETITIONER(S)/PETITIONER:

**JAYARAJAN K. AGED 45 YEARS
S/O.LATE CHATHU K, UPPER PRIMARY SCHOOL ASSISTANT
AUP SCHOOL, RAYIRANELLUR, NADUVATTAM P O
PATTAMBI VIA , PALAKKAD PIN 679308**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR**

RESPONDENT(S)/RESPONDENTS:

- 1. DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM, PIN 695014**
- 2. DEPUTY DIRECTOR OF EDUCATION
PALAKKAD PIN 678001**
- 3. DISTRICT EDUCATIONAL OFFICER
OTTAPALAM, PALAKKAD DISTRICT, PIN 679101**
- 4. ASSISTANT EDUCATIONAL OFFICER
PATTAMBI, PALAKKAD DISTRICT, PIN 679303**
- 5. HEADMASTER
AUP SCHOOL, RAYIRANELLUR, NADUVATTOM P O
PATTAMBI VIA, PALAKKAD, PIN 679308**
- 6. MANAGER
AUP SCHOOL, RAYIRANELLUR, NADUVATTOM P O
PATTAMBI VIA, PALAKKAD, PIN 679308**
- 7. GOVERNMENT OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY DEPARTMENT
OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, 695001**

R BY GOVERNMENT PLEADER, SMT. M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:- TRUE COPY OF THE ORDER OF APPOINTMENT DTD 1/8/2000 ISSUED BY THE 6TH RESPONDENT
- EXT.P2:- TRUE COPY OF GO(MS)NO43/78/G.EDN DTD 13/4/1978 ISSUED BY THE GOVERNMENT
- EXT.P3:- TRUE COPY OF THE PROCEEDING NO H (2) 11634/06 DTD 2/5/2006 ISSUED BY THE 1ST RESPONDENT
- EXT.P4:- TRUE COPY OF THE CERTIFICATE DTD 2/2/2013 ISSUED BY THE 5TH RESPONDENT
- EXT.P5:- TRUE COPY OF THE STAFF FIXATION PROCEEDING FOR THE YEARS 2003-04 AND 2004-05 OF AUP SCHOOL, RAYIRANELLUR, ISSUED BY THE 4TH RESPONDENT
- EXT.P6:- TRUE COPY OF STAFF FIXATION PROCEEDING FOR THE YESAR 2003-04 AND 2004-05 OF AUP SCHOOL , RAYIRANELLUR, ISSUED BY THE 4TH RESPONDENT
- EXT.P7:- TRUE COPY OF THE APPEAL DTD 2/2/2013 FILED BY PETITIONER BEFORE THE 1ST RESPONDENT
- EXT.P8:- TRUE COPY OF THE JUDGMENT DTD 13/1/2014 IN WPC NO 32244/2013 OF THIS HON'BLE COURT
- EXT.P9:- TRUE COPY OF THE STATEMENT DTD 7/4/2014 SUBMITTED BY THE 6TH RESPONDENT
- EXT.P10:- TRUE COPY OF THE ORDER DTD 29/4/2014 ISSUED BY THE 1ST RESPONDENT
- EXT.P11:- TRUE COPY OF THE STATUTORY REVISION PETITION DTD 31/5/2014 SUBMITTED BY THE PETITIONER BEFORE THE 7TH RESPONDENT
- EXT.P12:- TRUE COPY OF THE ORDER DTD 4/3/2013 ISSUED BY THE 7TH RESPONDENT
- EXT.P13:- TRUE COPY OF THE ORDER DTD 28/2/2015 ISSUED BY THE 7TH RESPONDENT

RESPONDENT(S)' EXHIBITS

nil

// True copy //

das

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 19830 of 2015

Dated this the 2nd day of July, 2015

JUDGMENT

The petitioner, who was appointed as a Part Time Sanskrit Teacher, was subsequently appointed as a Full Time Sanskrit Teacher with effect from 01.08.2005. In the writ petition, he is aggrieved by the non extension of Full Time benefits during the period from 2003-04 and 2004-05, notwithstanding the fact that he had imparted instructions exceeding 16 hours in a week. He would rely on Ext.P4 certificate issued by the Head Master of the School and Exts.P2 and P3 circulars of the Government, which mandate that, when a teacher has imparted instructions exceeding 15 hours in a week, then notwithstanding the fact that he is occupying a Part Time post, he would be entitled to the Full Time benefit. While the petitioner agitated the matter before the educational authorities, the plea of the petitioner was rejected by the educational authorities and the last order was by the Government, which rejected his revision petition by Ext.P13 order dated 28.02.2015. In the writ petition the petitioner impugns Ext.P13 order.

2. I have heard Sri.Babu Kuruvathazha, the learned counsel appearing for the petitioner and also the learned Government Pleader appearing for the official respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that Ext.P13 is a cryptic order which is bereft of any reasoning. The said order does not refer to any of the contentions in Ext.P11 revision preferred by the petitioner. The said order also does not take into account Ext.P12 order of the Government where, other teachers were extended the benefits under Exts.P2 and P3 Government Orders. Under the circumstances, I am of the view that Ext.P11 revision petition preferred by the petitioner requires a re-consideration at the hands of the 7th respondent. To enable the 7th respondent to reconsider Ext.P11 revision, I quash Ext.P13 order and direct the 7th respondent to pass fresh orders on Ext.P11 revision petition, after hearing the petitioner, within a period of one month from the date of receipt of a copy of this judgment. While passing orders as directed, the 7th respondent shall take note of the Government Orders, referred to above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE