

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 20047 of 2015 (E)

PETITIONER(S):

- 1. MUHAMMED RIYAS T.K, AGED 35 YEARS,
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 2. JISHA M
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER APPLICATION)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 3. RAJINA K.P
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 4. SREELEKHA K.C
HIGHER SECONDARY SCHOOL TEACHER (JR.) (BOTANY)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 5. PRIYA K
HIGHER SECONDARY SCHOOL TEACHER (JR.)(ZOOLOGY)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 6. DHANYA R
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 7. DEEPA KURIAKOSE
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
M.M.HIGHER SECONDARY SCHOOL, NEW MAHE
KANNUR DISTRICT.**
- 8. SEENA E.P
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**

- 9. GAYATHRI NALLAKKANDY PAREMMAL
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**
- 10. JEENA N.P
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**
- 11. SHAMNA M
HIGHER SECONDARY SCHOOL TEACHER (BOTONY)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**
- 12. REENA KUMARI T.P
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**
- 13. SREEVIDIA P.V
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER APPLICATION)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**
- 14. SUPRABHA B
HIGHER SECONDARY SCHOOL TEACHER (HINDI)
CHEMBILODE HIGHER SECONDARY SCHOOL, THALAVIL.P.O.
KOYYODE, KANNUR DISTRICT.**
- 15. BIJISHA V.R
HIGHER SECONDARY SCHOOL TEACHER (JR.) (ZOOLOGY)
CHEMBILODE HIGHER SECONDARY SCHOOL
THALAVIL.P.O., KOYYODE, KANNUR DISTRICT.**
- 16. MUHAMMED SEYID P
HIGHER SECONDARY SCHOOL TEACHER (JR.) (ZOOLOGY)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.**
- 17. ABDUL MUTHALIB M
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.**
- 18. ABDU RAHEEM POONGATTIL
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.**

- 19. BEENA P**
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 20. RAMSINA T**
HIGHER SECONDARY SCHOOL TEACHER (JR.) (PHYSICS)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 21. NISARI K**
HIGHER SECONDARY SCHOOL TEACHER (JR.) (BOTANY)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 22. ABIDA S.K**
HIGHER SECONDARY SCHOOL TEACHER (JR.) (ARABIC)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 23. RAYEES P.T**
HIGHER SECONDARY SCHOOL TEACHER (POLITICAL SCIENCE)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 24. MUNEERA K**
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 25. REHMATHBEEVI P.T**
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 26. ZAKARIA K**
HIGHER SECONDARY SCHOOL TEACHER (HISTORY)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 27. MUHAMMED K**
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER APPLICATION)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.
- 28. JISHA V.K**
HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM)
SIR SYED HIGHER SECONDARY SCHOOL, KARIMBAM.P.O.
TALIPARAMBA, KANNUR DISTRICT.

- 29. SANDHYA THOMAS
HIGHER SECONDARY SCHOOL TEACHER (JR.) (BOTONY)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 30. RESHMI A.V
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 31. RANJINI K
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 32. REMA C
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER APPLICATION)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 33. SUMESH K.THOMAS
HIGHER SECONDARY SCHOOL TEACHER (JR.) (ZOOLOGY)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 34. DEEPAA.M
HIGHER SECONDARY SCHOOL TEACHER (JR.) (HINDI)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 35. KRISHNAPRIYA P.K
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 36. BINESH THOMAS
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 37. DHILEEP KUMAR N.N
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
NADUVIL HIGHER SECONDARY SCHOOL, NADUVIL.P.O.
KANNUR DISTRICT.**
- 38. REJITHA P.K
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
PJ HIGHER SECONDARY SCHOOL, PUTHIYANGADI, MADAYI.P.O.
KANNUR DISTRICT.**

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- 39. PRAJITHA PRABHAKARAN M.K**
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
PJ HIGHER SECONDARY SCHOOL, PUTHIYANGADI, MADAYI.P.O.
KANNUR DISTRICT.
- 40. SHYNI N.A**
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
PJ HIGHER SECONDARY SCHOOL, PUTHIYANGADI, MADAYI.P.O.
KANNUR DISTRICT.
- 41. SINDHU P.V**
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
PJ HIGHER SECONDARY SCHOOL, PUTHIYANGADI, MADAYI.P.O.
KANNUR DISTRICT.
- 42. DIVYA M**
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
PJ HIGHER SECONDARY SCHOOL, PUTHIYANGADI, MADAYI.P.O.
KANNUR DISTRICT.
- 43. DHANYA P**
HIGHER SECONDARY SCHOOL TEACHER (JR.)(ZOOLOGY)
PJ HIGHER SECONDARY SCHOOL, PUTHIYANGADI, MADAYI.P.O.
KANNUR 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 NAGAR, THIRUVANANTHAPURAM. PIN 695 001
- 3. REGIONAL DEPUTY DIRECTOR OF EDUCATION**
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE, KANNUR.
PIN 670 001

R BY GOVERNMENT PLEADER SMT.LOWSY.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- A TRUE COPY OF THE SAID GOVERNMENT ORDER G.O.(MS) NO.211/2011/G.EDN. DATED 24.10.2011.

EXT.P2- A TRUE COPY OF THE SAID CIRCULAR NO.ACD-B5/47005/HSE/10 DATED 15.11.2011.

EXT.P3- TRUE COPY OF THE ORDER NO.A4/13998(4)/2011 DATED 25.08.2012 APPROVING THE APPOINTMENT OF THE 1ST PETITIONER.

EXT.P4- TRUE COPY OF THE ORDER NO.A4/13998(7)/2011 DATED 08.10.2012 APPROVING THE APPOINTMENT OF THE 2ND PETITIONER.

EXT.P5- TRUE COPY OF THE ORDER NO.A4/13998(5)/2011 DATED 25.08.2012 APPROVING THE APPOINTMENT OF THE 3RD PETITIONER.

EXT.P6- TRUE COPY OF THE ORDER NO.A4/13998(10)/2011 DATED 25.08.2012 APPROVING THE APPOINTMENT OF THE 4TH PETITIONER.

EXT.P7- TRUE COPY OF THE ORDER NO.A4/13998(6)/2011 DATED 08.10.2012 APPROVING THE APPOINTMENT OF THE 5TH PETITIONER.

EXT.P8- TRUE COPY OF THE ORDER NO.A4/13998(3)/2011 DATED 08.10.2012 APPROVING THE APPOINTMENT OF THE 6TH PETITIONER.

EXT.P9- TRUE COPY OF THE ORDER NO.A4/13998(9)/2011 DATED 25.08.2012 APPROVING THE APPOINTMENT OF THE 7TH PETITIONER.

EXT.P10- TRUE COPY OF THE ORDER NO.B4/14032/2011(2) DATED 11.09.2012 APPROVING THE APPOINTMENT OF THE 8TH PETITIONER.

EXT.P11- TRUE COPY OF THE ORDER NO.B4/14032/2011 DATED 30.11.2012 APPROVING THE APPOINTMENT OF THE 9TH PETITIONER.

EXT.P12- TRUE COPY OF THE ORDER NO.B4/14032/2011DATED 30.11.2012 APPROVING THE APPOINTMENT OF THE 10TH PETITIONER.

EXT.P13- TRUE COPY OF THE ORDER NO.B4/14032/2011(6) DATED 11.09.2012 APPROVING THE APPOINTMENT OF THE 11TH PETITIONER.

EXT.P14- TRUE COPY OF THE ORDER NO.B4/14032/2011(3) DATED 11.09.2012 APPROVING THE APPOINTMENT OF THE 12TH PETITIONER.

EXT.P15- TRUE COPY OF THE ORDER NO.B4/14032/2011(5) DATED 11.09.2012 APPROVING THE APPOINTMENT OF THE 13TH PETITIONER.

EXT.P16- TRUE COPY OF THE ORDER NO.B4/14032/2011(4) DATED 11.09.2012 APPROVING THE APPOINTMENT OF THE 14TH PETITIONER.

EXT.P17- TRUE COPY OF THE ORDER NO.B4/13991/2012(4) DATED 2.03.2013 APPROVING THE APPOINTMENT OF THE 15TH PETITIONER.

EXT.P18- TRUE COPY OF THE ORDER NO.A4/12232/2011(6) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 16TH PETITIONER.

EXT.P19- TRUE COPY OF THE ORDER NO.A4/12232/2011(12) DATED 25.08.2012 APPROVING THE APPOINTMENT OF THE 17TH PETITIONER.

EXT.P20- TRUE COPY OF THE ORDER NO.A4/12232/2011(1) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 18TH PETITIONER.

EXT.P21- TRUE COPY OF THE ORDER NO.A4/12232/2011(8) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 19TH PETITIONER.

EXT.P22- TRUE COPY OF THE ORDER NO.A4/12232/2011(4) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 20TH PETITIONER.

EXT.P23- TRUE COPY OF THE ORDER NO.A4/12152/2012(4) DATED 27.03.2013 APPROVING THE APPOINTMENT OF THE 21ST PETITIONER.

EXT.P24- TRUE COPY OF THE ORDER NO.A4/12232/2011 DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 22ND PETITIONER.

EXT.P25- TRUE COPY OF THE ORDER NO.A4/16375/2013/K.DIS DATED 05.02.2014 APPROVING THE APPOINTMENT OF THE 23RD PETITIONER.

EXT.P26- TRUE COPY OF THE ORDER NO.A4/12232/2011(7) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 24TH PETITIONER.

EXT.P27- TRUE COPY OF THE ORDER NO.A4/12232/2011(5) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 25TH PETITIONER.

EXT.P28- TRUE COPY OF THE ORDER NO.A4/12232/2011(9) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 26TH PETITIONER.

EXT.P29- TRUE COPY OF THE ORDER NO.A4/12232/2011(11) DATED 25.8.2012 APPROVING THE APPOINTMENT OF THE 27TH PETITIONER.

EXT.P30- TRUE COPY OF THE ORDER NO.A4/12232/2011(2) DATED 07.07.2012 APPROVING THE APPOINTMENT OF THE 28TH PETITIONER.

EXT.P31- TRUE COPY OF THE ORDER NO.A2/6680/2012(H) DATED 03.08.2012 APPROVING THE APPOINTMENT OF THE 29TH PETITIONER.

EXT.P32- TRUE COPY OF THE ORDER NO.A2/6680/2012(E) DATED 05.10.2012 APPROVING THE APPOINTMENT OF THE 30TH PETITIONER.

EXT.P33- TRUE COPY OF THE ORDER NO.A2/6680/2012(C) DATED 03.08.2012 APPROVING THE APPOINTMENT OF THE 31ST PETITIONER.

EXT.P34- TRUE COPY OF THE ORDER NO.A2/6680/2012(G) DATED 03.08.2012 APPROVING THE APPOINTMENT OF THE 32ND PETITIONER.

EXT.P35- TRUE COPY OF THE ORDER NO.A2/6680/2012(F) DATED 05.10.2012 APPROVING THE APPOINTMENT OF THE 33RD PETITIONER.

EXT.P36- TRUE COPY OF THE ORDER NO.A2/6680/2012(I) DATED 03.08.2012 APPROVING THE APPOINTMENT OF THE 34TH PETITIONER.

EXT.P37- TRUE COPY OF THE ORDER NO.A2/6680/2012(D) DATED 03.08.2012 APPROVING THE APPOINTMENT OF THE 35TH PETITIONER.

EXT.P38- TRUE COPY OF THE ORDER NO.A2/12491/2012 DATED 02.07.2013 APPROVING THE APPOINTMENT OF THE 36TH PETITIONER.

EXT.39- TRUE COPY OF THE ORDER NO.A2/6680/2012(J) DATED 5.10.2012 APPROVING THE APPOINTMENT OF THE 37TH PETITIONER.

EXT.P40- TRUE COPY OF THE ORDER NO.A2/13973(A)/2011 DATED 04.12.2012 APPROVING THE APPOINTMENT OF THE 38TH PETITIONER.

EXT.P41- TRUE COPY OF THE ORDER NO.A2/13973(J)/2011 (D)DATED 04.12.2012 APPROVING THE APPOINTMENT OF THE 39TH PETITIONER.

EXT.P42- TRUE COPY OF THE ORDER NO.A2/13973(D)/2011 DATED 04.12.2012 APPROVING THE APPOINTMENT OF THE 40TH PETITIONER.

EXT.P43- TRUE COPY OF THE ORDER NO.A2/13973/2011 DATED 04.12.2012 APPROVING THE APPOINTMENT OF THE 41ST PETITIONER.

EXT.P44- TRUE COPY OF THE ORDER NO.A2/13973(B)/2011 DATED 04.12.2012 APPROVING THE APPOINTMENT OF THE 42ND PETITIONER.

EXT.P45- TRUE COPY OF THE ORDER NO.A2/13973(J)/2011 DATED 04.12.2012 APPROVING THE APPOINTMENT OF THE 43RD PETITIONER.

EXT.P46- A TRUE COPY OF THE GOVERNMENT ORDER NO.G.O.(MS) NO.126/1992/G.EDN. DATED 17.6.1992.

EXT.P47- A TRUE COPY OF THE COMMUNICATION NO.ACD-C3/53830/HSE/2013 DATED 19.12.2013.

EXT.P48- A TRUE COPY OF THE ORDER NO.A3/12735/2011 DATED 19.04.2012.

EXT.P49- TRUE COPY OF THE JUDGMENT DATED 4.12.2014 IN W.P[C] NO.15651/2014.

EXT.P50- TRUE COPY OF THE GOVERNMENT ORDER DATED 3.3.2015.

W.P.(C).No.20047/2015

**EXT.P51- TRUE COPY OF THE ORDER DATED 21.5.2015 ISSUED BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.20047 OF 2015 (E)

Dated this the 3rd day of July, 2015

J U D G M E N T

The issue involved in the writ petition is squarely covered in favour of the petitioner by Ext.P49 judgment of this Court. Accordingly, the writ petition is disposed by quashing Exts.P3 to P45 , to the extent they impose a condition that the candidates in question is not entitled to vacation salary in the year 2012 in terms of Rule 49 of Chapter XIVA of the KER. The respondents shall take immediate steps to disburse the vacation salary that is due and payable to the petitioners in the writ petitions within a period of three months from the date of receipt of copy of this judgment.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

prp