

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 20925 of 2014 (M)

PETITIONERS :

1. PRAKASAN.T.V.,
PHYSICAL EDUCATION TEACHER, THODANNUR U.P.SCHOOL,
P.O.THODANNUR, KOZHIKODE DISTRICT.
2. MOHAMMED ALI. P.,
PHYSICAL EDUCATION TEACHER,
THIRUVELLUR EAST U.P.SCHOOL, KOZHIKODE DISTRICT.
3. SASEEDNARAN.T.,
PHYSICAL EDUCATION TEACHER, CHEEKKILODE U.P.SCHOOL,
KOZHIKODE DISTRICT.
4. AHAMMED.P.K.,
PHYSICAL EDUCATION TEACHER,
KATAMERI MOPLA U.P.SCHOOL, P.O.KATAMERI,
KOZHIKODE DISTRICT.
5. SREEJA.C.P.,
PHYSICAL EDUCATION TEACHER, VALLIAD.U.P.SCHOOL,
P.O.VALLIAD, KOZHIKODE DISTRICT.

BY ADV. SRI.R.K.MURALIDHARAN

RESPONDENTS :

1. THE STATE OF KERALA,
REP.BY SECRETARY TO GENERAL EDUCATION DEPARTMENT,
TRIVANDRUM-695001.
2. THE ASSISTANT EDUCATIONAL OFFICER,
THODANNUR, VADAKARA, KOZHIKODE DISTRICT.

BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :-

- P1:-TRUE COPY OF THE ORDER DTD 6/4/2000.
P2:-TRUE COPY OF THE PROCEEDINGS OF 2ND RESPONDENT DTD 4/7/2001.
P3:-TRUE COPY OF THE ORDER OF APPROVAL DTD 4/7/2001.
P4:-TRUE COPY OF THE ORDER OF APPROVAL ISSUED BY THE 2ND RESPONDENT DTD 4/7/2001.
P5:-TRUE COPY OF THE ORDER OF APPOINTMENT DTD 10/7/1991.
P6:-TRUE COPY OF THE APPOINTMENT ORDER DTD 20/7/1994.
P7:-TRUE COPY OF THE LETTER NO H4-29303/2000/DPI DTD 4/1/2002.
P8:-TRUE COPY OF THE COMMUNICATION NO.H4/29303/2000/DPI DTD 6/1/2005.
P9:-TRUE COPY OF THE RELEVANT PAGES OF THE COMMON JUDGMENT IN WA 874/2010 & 478/2010.
P10:-TRUE COPY OF THE GO(Rt)NO.3304/2012/G.Edn. DTD 11/7/2012.
P11:-TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE 1ST PETITIONER.
P11(a):-TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT IN FAVOUR OF THE 2ND PETITIONER DTD 15/3/2013.
P11(b):-TRUE COPY OF THE ORDER ISSUED IN FAVOUR OF THE 3RD PETITIONER DTD 8/2/2013.
P11(c):-TRUE COPY OF THE ORDER ISSUED IN FAVOUR OF THE 4TH PETITIONER DTD 15/1/2013.
P11(d):-TRUE COPY OF THE ORDER ISSUED IN FAVOUR OF THE 5TH PETITIONER DTD 15/3/2013.
P12:-TRUE COPY OF THE PROCEEDINGS OF AEO, VADAKARA DTD 21/11/2012.
P12(a):-TRUE COPY OF THE ORDER DTD 2/11/2012 OF THE AEO, MELADI.
P12(b):-TRUE COPY OF THE ORDER DTD 14/11/2012 OF THE AEO PERAMBRA.
P13:-TRUE COPY OF THE ORDER DTD 3/12/2001 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.20925 of 2014

Dated this the 20th day of October, 2015

JUDGMENT

The petitioners, who are Physical Education Teachers, appointed with effect from 15.6.1992, 14.9.1992, 23.7.1992, 10.7.1991 and 20.7.1994 respectively, have approached this Court in this writ petition seeking a writ of certiorari or any other appropriate writ, order or direction quashing Ext.P11 series of orders issued by the 2nd respondent to the extent of restricting the entitlement for monetary benefits from 11.7.2012 onwards, instead of from the date of their appointment. The petitioners have also sought for a writ of mandamus commanding the 2nd respondent to disburse the monetary benefits from the date of their appointments within a time frame fixed by this Court.

2. A reading of the averments in the writ petition would show that by Ext.P10 Government Order sanction was accorded to regularise the appointment of 54 Physical Education Teachers, including the petitioners herein, whose appointments were approved as per Ext.P1 Government Order dated 6.4.2000, with effect from

their date of appointments. The Director of Public Instruction/the Deputy Directors of Education concerned were also directed to take immediate and further action to fix the pay of those Physical Education Teachers and grant them all consequential benefits. As per Ext.P11 series of orders passed by the Assistant Educational Officer, Thodannur the 2nd respondent herein, the monetary benefits payable to the petitioners is confined only with effect from 11.7.2012, i.e., the date of Ext.P10 Government Order, and not with effect from their date of appointment. It is aggrieved by the aforesaid action of the 2nd respondent the petitioners are before this Court seeking various reliefs.

3. I heard the arguments of the learned counsel for the petitioners and also the learned Government Pleader appearing for the respondents.

4. A reading of Ext.P10 Government Order would show that the Government have accorded sanction to regularise the appointment of the Physical Education Teacher including the petitioners herein, whose appointments were approved as per Ext.P1 Government Order, with effect from the date of their appointment and the Director of Public Instruction/Deputy Directors of Education

concerned were also directed to take immediate and further action to fix their pay and grant them all consequential benefits. If that be so, the action of the 2nd respondent in issuing Ext.P11 series of orders restricting the monetary benefits payable to the petitioners only with effect from 11.7.2012, i.e., the date of Ext.P10 Government Order cannot be sustained.

5. The learned counsel for the petitioner would also rely on the judgment of a learned Judge of this Court dated 12.2.2015 in W.P.(C).No.2141 of 2015. In the aforesaid case, repelling the stand similar to that taken in Ext.P11 series of orders, this Court held that the Teacher concerned is entitled for all consequential monetary benefits from the date of appointment till the date of Ext.P10 Government Order.

In such circumstances, the petitioners are also entitled to succeed.

Therefore the writ petition is disposed of setting aside Ext.P11 series of orders issued by the 2nd respondent to the extent of restricting the entitlement of the petitioners for the monetary benefits from 11.7.2012. It is declared that, the petitioners will be entitled for all consequential monetary benefits in terms of Ext.P10

order, from the date of their appointment till 11.7.2012. The 2nd respondent shall take necessary steps to sanction all such monetary benefits to the petitioners and disburse the same within a period of six months from the date of receipt of a certified copy of this judgment.

Sd/-
ANIL K.NARENDRAN, JUDGE

skj

True copy
P.A to Judge