

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 25242 of 2012 (E)

PETITIONER :

**SHABEENA R., AGED 22 YEARS,
PRE PRIMARY AYAH (NOW ILLEGALLY KEPT OUT)
GOVT. UPPER PRIMARY SCHOOL,
KOZHINJAMPARA, CHITTUR, PALAKKAD DISTRICT - 678 555
RESIDING AT V.K. NIVAS, KOORANKADU, MENONPARA P.O.,
PIN - 678 556, PALAKKAD DISTRICT.**

**BY ADVS.SRI.ABRAHAM VAKKANAL (SR.)
SRI.PAUL ABRAHAM VAKKANAL
SRI.DIJO SEBASTIAN**

RESPONDENTS :

- 1. PARENT TEACHER ASSOCIATION,
G.U.P.S. KOZHINJAMPARA P.O., CHITTUR,
PALAKKAD DISTRICT - 678 555
REPRESENTED BY ITS CONVENER CUM TREASURE AND
HEADMASTER SRI. ABDUL KALEEL REHMAN.**
- 2. THE ASSISTANT EDUCATIONAL OFFICER,
CHITTUR, PALAKKAD - 678 101.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD - 678 001.**
- 4. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 5. GEETHA
W/O. CHANDRADAS, TEMPORARY AYAH,
GOVT. UPPER PRIMARY SCHOOL, KOZHINJAMPARA - 678 555
CHITTUR, PALAKKAD.**

**R1 BY ADV. SRI.RAJESH SIVARAMANKUTTY
R2 TO R4 BY GOVERNMENT PLEADER SRI. P.V. ELIAS
R5 BY ADV. SMT.K.ANILA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-08-2014, THE COURT ON 07-01-2015 DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE LIST OF PRELIMINARY AYAHs PREPARED BY THE 3RD RESPONDENT (DEPUTY DIRECTOR), WHO ACQUIRED QUALIFICATION AS PER G.O (RT) 2453/88 DATED 05/07/1988**
- EXHIBIT-P1(A):TRUE COPY OF THE LIST OF AYAHs WHO WERE ALLOTTED HONORARIUM FROM GOVERNMENT PREPARED BY THE DEPUTY DIRECTOR**
- EXHIBIT-P1(B):TRUE COPY OF THE LIST OF AYAHs SHOWING THE DATE OF COMMENCEMENT OF THEIR SERVICE PREPARED BY THE 3RD RESPONDENT (DEPUTY DIRECTOR)**
- EXHIBIT-P2: TRUE COPY OF THE GOVERNMENT ORDER NO. 8505/P1/12/G.EDN.**
- EXHIBIT-P3: TRUE COPY OF THE PETITION TO THE 1ST RESPONDENT BY THE PETITIONER.**
- EXHIBIT-P4: TRUE COPY OF THE DISCHARGE CARD ISSUED FROM THE DISTRICT HOSPITAL, PALAKKAD.**
- EXHIBIT-P5: TRUE COPY OF THE PETITION TO THE 2ND RESPONDENT BY THE PETITIONER.**
- EXHIBIT-P6: TRUE COPY OF THE PETITION SUBMITTED BEFORE THE 3RD RESPONDENT.**
- EXHIBIT-P7: TRUE COPY OF THE PETITION TO THE 2ND RESPONDENT BY THE PETITIONER.**
- EXHIBIT-P8: TRUE COPY OF THE PETITION FROM THE PETITIONER.**
- EXHIBIT-P9: TRUE COPY OF THE PETITION TO THE CHIEF MINISTER BY THE PETITIONER.**
- EXHIBIT-P10: TRUE COPY OF THE JUDGMENT IN W.A 205/2011 IN W.P(C) 2700/2009.**
- EXHIBIT P11: COPY OF G.O.MS. NO. 385/2012/G.EDN. DT 7/12/2012.**
- EXHIBIT P12: COPY OF G.O.RT NO. 693/2013/FIN. DT. 29/01/2013.**
- EXHIBIT P13: COPY OF ORDER NO. NSI-87256/2009/DPI. DT. 17/1/2013.**
- EXHIBIT P14: COPY OF ORDER NO. NSI-87256/2009/DPI DT 15/2/2013.**
- EXHIBIT P15: COPY OF ORDER NO. NSI-87256/2009/DPI DT 9/4/2013.**
- EXHIBIT P16: COPY OF THE ORDER NO. A5 12308/12 OF DY. DIRECTOR OF EDUCATION, PALAKKAD**

WP(C).No. 25242 of 2012 (E)

RESPONDENTS' EXHIBITS :

- EXT.R1(a): COPY OF THE PARENT TEACHER ASSOCIATION EXECUTIVE MEETING AND THE DECISION THERE ON HELD ON 12-702010.**
- EXT. R1(b): COPY OF THE DECISIONS TAKEN BY PARENT TEACHER ASSOCIATION EXECUTIVE MEETING HELD ON 6/6/2012.**
- EXT.R1(c): COPY OF THE DECISIONS OF EXECUTIVE MEETING OF THE PARENT TEACHER ASSOCIATION HELD ON 28/9/2012.**
- EXT.R1(d): COPY OF THE LETTER DT 14/9/2012 ISSUED BY THIS RESPONDENT TO THE R3.**
- EXT.R1(e): COPY OF THE ACQUAINTANCE REGISTER FOR THE PRE-PRIMARY STAFF.**
- EXT.R1(f): COPY OF THE COMMUNICATION NO. N. S1/35479/2013/DPI.**

//TRUE COPY//

P.S. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J

WPC No. 25242 of 2012

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner, a Pre-Primary Ayah appointed by the Parent Teachers Association of a Government School (for short 'PTA'), has come up with this writ petition with the following reliefs:

i) *to issue a writ of certiorari or other appropriate writ, order or direction quashing the order, if any, passed by the first respondent P.T.A., terminating the service of the petitioner as Pre-primary Ayah and also the order, if any, by R1 denying her employment and also, the order, if any of the 1st R1 appointing the 5th respondent as temporary Pre-Primary Ayah, in the petitioner's place, after calling for the same.*

ii) *issue a writ of mandamus or other appropriate writ or direction directing the respondents 1 to 4 to see that the petitioner is reinstated as Pre-Primary Ayah in the 1st respondent's school with continuity of service from*

June 2010 and with all monetary benefits from 1.6.2010.

iii) to grant such other reliefs which this Court deems just and proper to be granted on the facts of the case.

2. The petitioner alleges that she is a qualified Pre-Primary Ayah attached to the Government Upper Primary School, Kozhinjampara and she has continuous service from 9.6.2010. The petitioner alleges that the first respondent Headmaster, who is the Convenor-cum-Treasurer of the PTA is not in good terms with the petitioner on account of her marriage with a hindu. The petitioner alleges that she applied for maternity leave as her expected date of delivery was in the middle of May 2012. However, this was denied to her. She delivered a male child on 15.5.2012 and she was discharged from the hospital on 18.5.2012. After maternity leave (though not sanctioned by the first respondent) she reported for duty on 1.8.2012, but she was denied employment. The petitioner further alleges that in the meantime,

the 5th respondent has been illegally inducted as temporary Pre-Primary Ayah in her place from 1.6.2012 and she was not relieved even after the petitioner reported for duty. The petitioner made complaints about this to respondents 2 to 4. However, it could not evoke any positive response. The petitioner points out that in Ext.P2 G.O., there is a clear prohibition that service of existing employees of the Pre-Primary School shall not be terminated. The petitioner alleges that it is against this Government Order that the first respondent terminated the service of the petitioner and denied her employment when she reported for duty after maternity leave on 1.8.2012.

3. The petitioner alleges that the action of the first respondent and inaction of respondents 2 to 4 in not interfering with the matter are illegal and arbitrary. She also alleges that she was not paid the honorarium of ₹4,000/- for two years (2010 and 2011) at ₹200/- per month for 10 months every year.

However, the first respondent availed of this honorarium from the department, as could be seen from Ext.P1 series.

4. According to the petitioner, the permission given to the 5th respondent to continue in the school and keeping the petitioner out of service are done in violation of Ext.P2 Government Order. She also alleges that she has no other means for livelihood. According to the petitioner, as her appointment is by PTA, a petition before the Administrative Tribunal is not maintainable and her only remedy is to approach this Court with this writ petition for the enforcement of benefits payable as per G.O. and Ext.P10 judgment.

5. The first respondent filed a detailed counter affidavit contending as follows:

As the Parent Teachers Association of the school is not coming within the definition of State or its instrumentality as per Article 12 of the Constitution of India, the writ petition is liable to be dismissed at the

threshold on the short ground of not being maintainable.

It is contended by the first respondent that the Pre-Primary section in the school was started in June, 2010 catering to the poor children of the locality by the first respondent, for the first time. The first respondent Parent Teachers Association appointed Ayah on temporary basis, for looking after the needs of the Pre-Primary pupils. The appointment of the petitioner was thus made on temporary basis by the first respondent in June, 2010. The petitioner was already married, at the time she was so appointed and therefore, the averment in the writ petition that the first respondent had grievance against her for having involved in a mixed marriage, is made with oblique motives. Further, the Parent Teachers Association is comprised of individuals owing allegiance to different religions and therefore, the petitioner can never been discriminated on grounds of religion, or has there been any such complaint by

the petitioner at any point of time prior to the filing of the writ petition.

The G.O. referred to in the petition has no application to the appointment of the petitioner. It is the Parent Teachers Association which decides the appointment of Ayahs for Pre-Primary section, considering the needs and there is no interference in this regard from any other agency. Only a fixed remuneration is paid to the Ayah. There is no order of appointment and the remuneration is paid exclusively from the funds of the Parent Teachers Association, which again is dependent on the collection of money from the parents of the Pre-Primary pupils. The appointment of the petitioner is temporary in nature. A true copy of the minutes and the decision thereon of the Parent Teachers Association executive meeting held on 12.7.2010 is produced and marked as Ext.R1(a). Pre-Primary staff consists of two teachers and an Ayah. The first respondent also contended that the remuneration

fixed for Ayah is ₹1,000/- per month and it was from the funds of the Parent Teachers Association that the said amount was paid from 2010. The government has fixed ₹200/- per month as remuneration for Ayahs which was not received in 2010, but started receiving from 2011-2012 onwards, which again being insufficient to meet the remuneration and the balance is availed from the funds of the Parent Teachers Association. In fact, no other schools nearby offer better remuneration than that by the first respondent, it is contended.

The petitioner, without prior oral or written request from the first respondent for leave, did not report for duty on 6.6.2012, after the school had closed on 31.3.2012 for summer vacation. On 6.6.2012, the husband of the petitioner came before the first respondent and orally sought for two months maternity leave for the petitioner, at which point the first respondent said that the matter has to be placed before the scheduled meeting of the executive

committee of the Parent Teachers Association on the said day and thereafter the decision would be made known. Accordingly, the oral request for leave sanction of the petitioner was placed before the Parent Teachers Association. It was then decided in the meeting that the services of the petitioner was to be discontinued for the reasons that there was no provision for grant of leave for two months and further that even after two months if the petitioner were to join service she would find it difficult to render service from 9 a.m. to 4 p.m. continuously to the tiny pupils as she was residing 8 kms. away from school. Further and more importantly, there was urgency in appointing an Ayah for aiding the teacher and therefore, the services of a new ayah on temporary basis was decided to be requisitioned and accordingly, the 5th respondent was appointed. Further, the matter was decided to be reported to the 2nd respondent also. A true copy of the minutes of the Parent Teachers Association Executive Meeting held

on 6.6.2012 is produced and marked as Ext.R1(b). The above position was informed to the petitioner also.

It is contended by the first respondent that on 17.8.2012, the petitioner, after availing self-imposed leave, as it were, came to the school and thereafter met the other members of the Parent Teachers Association also and then the entire matter was discussed with her and she was apprised of the difficulties faced in the running of Pre-K.G. Class in the absence of an Ayah and the urgent need felt in appointing the 5th respondent as Ayah. In the meanwhile the petitioner through her husband filed complaints against the headmaster (the first respondent) alleging absolute falsehood before various authorities including the educational authorities, Chief Minister, Vanitha Commission etc. and also alleging offence with *mala fide* intentions, which are *per se* false before the Scheduled Caste Development Office. The authority refused to act on

the complaint, after knowing about the falsity in the case alleged by the petitioner. The Parent Teacher Association in its executive meeting held on 28.9.2012 discussed the above aspects and deprecated the attempt of the petitioner in disrupting the smooth functioning of the school and saw through the petitioner's attempt in forcing the respondent to change the decision, even by misusing the system. A true copy of the minutes of the executive meeting of the Parent Teacher Association held on 28.9.2012 is produced and marked as Ext.R1(c). A true copy of the letter dated 14.9.2012 issued by the first respondent to the third respondent is produced and marked as Ext.R1(d). Ext.R1(d) would reveal the seniority list in the school and the factum of the petitioner not reporting for duty and the appointment of the 5th respondent based on the resolution of the Parent Teacher Association dated 6.6.2012.

The Best Parent Teacher Association Award has been conferred consecutively on the Parent Teachers

Association of this school by the General Education Department and further, the headmaster is the recipient of the National award for best teacher. Matters being as above, the averments in paras 2 to 16, contrary to the above are denied, specifically, Ext.P2 is not applicable to the case on hand, in that the pre-primary classes have not been closed down or that the services of the staff have been terminated. Ext.P3 is a self-created document by the petitioner, subsequently weaved out for the purposes of filing the writ petition and the same has not been received by the first respondent at any point of time and therefore, the same has only to be ignored. The further averment regarding the petitioner not being paid honorarium, despite the association receiving it from the government is falsely made. The petitioner has been paid the honorarium and the same received by her. The first respondent paid the salary to the petitioner, even before the honorarium was disbursed by the 2nd respondent and received by the first

respondent and the amount was recouped to the Parent Teachers Association fund. A true copy of the Acquaintance register for the pre-primary staff is produced and marked as Ext.R1(e). Ext.R1(e) would reveal the petitioner to have received the salary/remuneration in full. All the averments regarding the petitioner's husband meeting the first respondent as alleged in para 8 is totally false. Exts.P5 to P9 are made with absolute *mala fides* and have no nexus with the truth. A deliberate vilification campaign is launched against the first respondent and the falsity of the allegations made therein are known to the petitioner and thus made deliberately by her, which is highly derogatory and far from the truth and thus reveals the impertinence on the part of the petitioner. The first respondent denies the various allegations levelled against him, with all the force at his command. There are other female members of the staff and no one have any complaints against the first respondent touching upon his

morality.

Inasmuch as the petitioner is guilty of deliberate withdrawal from duty without prior sanction thereby jeopardizing the smooth functioning of K.G.class, necessitated her removal from the temporary post of Ayah and appointment of the 5th respondent, in her place also on temporary basis, and the further deliberate vilification campaign made by her against the headmaster of the school, leaves no room for doubt regarding the loss of confidence in the petitioner faced by the staff of the school, in the smooth running of the school. The petitioner, in her deliberate attempt to twist facts according to her desires, has even stooped to allege as in ground (I) to allege the 1st and 2nd respondents to be personal friends and therefore, the latter would not take any action against the former. The first respondent denies all such allegations; it is contended.

6. The 5th respondent has filed a counter affidavit contending as follows:

It is contended that the 5th respondent passed 8th standard and otherwise qualified to be appointed as Ayah. The 5th respondent also reside close to Government Upper Primary School, Kozhinjampara. On account of the 5th respondent's interest in looking after the needs of small children, the 5th respondent accepted the post of Ayah on temporary basis, when it was offered by the first respondent. Subsequently the 5th respondent learned that the petitioner had abandoned the 5th respondent's employment and the 5th respondent was appointed in her place, in the vacancy that arose.

The 5th respondent was appointed by the first respondent as a temporary Ayah and joined duty on 6.6.2012. The 5th respondent's appointment was reported to the 2nd respondent and the 5th respondent was notified as the Ayah working on temporary basis in Government Upper Primary School, Kozhinjampara. Subsequently, the details along with the 5th respondent's signature have also been forwarded by

the first respondent to the respondents 2 to 4 in the proforma that was provided as per orders of the DPI in terms of letter No.NS.1/35479/2013/DPI.

The 5th respondent was working in the school as Ayah since June 2012 and so far there has been no cause for complaint against the 5th respondent. The salary that the 5th respondent draw from the 5th respondent's employment is the sole source of livelihood and the 5th respondent's family is dependent on the income that the 5th respondent bring home.

The 5th respondent's appointment is legal and therefore, all the averments to the contra made by the petitioner in this behalf are only to be brushed aside, being made with ulterior motives.

7. The petitioner has filed a reply affidavit refuting the contentions raised by the respondents.

8. I have heard the learned senior counsel for the petitioner, the learned counsel for the first respondent, the learned Government Pleader and the

learned counsel for the 5th respondent.

9. The law relating to mandamus has made the most spectacular advance. Article 226 confers wide powers on the High Courts to issue writs in the nature of prerogative writs. This is a striking departure from the English Law. Under Article 226, writs can be issued to “any person or authority”. It can be issued “for the enforcement of any of the fundamental rights and for any other purpose”. The term “authority” used in Article 226, in the context, must receive a liberal meaning unlike the term in Article 12. Article 12 is relevant only for the purpose of enforcement of fundamental rights under Article 32. Article 226 confers power on the High Courts to issue writs for enforcement of the fundamental rights as well as non-fundamental rights. The words “any person or authority” used in Article 226 are, therefore, not to be confined only to statutory authorities and instrumentalities of the State.

10. It has to be noted that the relief sought in

the writ petition is on the basis of a government order. More over, the establishment against which the reliefs are sought was doing public duty that is teaching and imparting education to children. As a public purpose was involved and the authority which was doing the public function has violated the Government order, the jurisdiction of this Court under Article 226 could be invoked as settled by various judicial pronouncements.

11. The petitioner is a qualified Ayah working under the first respondent school from 9.6.2010 as can be seen from Exts.P1 to P1(b). The school was a newly started Pre-Primary school from June 2010. The learned senior counsel for the petitioner points out that in Ext.P2 Government order, it is clearly stated that the existing pre-primary school attached to the Government schools shall not be closed and the existing employees shall not be terminated from the school, if any such incident happens that should be prevented and reported to the Government. However,

in spite of specific complaint regarding the denial of employment as pre-primary Ayah and termination of her service from June 2012 by the first respondent, respondents 2 to 4 have not taken any action.

12. The learned senior counsel would point out that the illegal action of the first respondent and illegal inaction of respondents 2 to 4 have to be deprecated and orders are urgently necessary directing the first respondent to reinstate the petitioner in service as a Pre-Primary Ayah without break of service and also with all monetary benefits.

13. The learned senior counsel would point out that the headmaster of the school who is also the convenor cum treasurer of the PTA was not in good terms with the petitioner on account of her marriage with a Hindu and that is the reason why the petitioner was not sanctioned maternity leave and the 5th respondent was inducted in service.

14. In answer, the first respondent would contend that the appointment of the petitioner was

on temporary basis and her appointment was after her marriage. The learned senior counsel would argue that the said statement is incorrect.

15. The petitioner in the reply affidavit has stated that Mr.Abdul Kaleel Rehman, who is the headmaster and Secretary, was not aware about her mixed marriage with the Hindu before the appointment and he came to know about it only later as he had no prior acquaintance and nothing is there to show otherwise. It was further averred in the reply affidavit that the allegation that the petitioner's appointment was temporary is incorrect and no such decision had ever been communicated.

16. The learned senior counsel would point out that from Ext.R1(a) itself, it is clear that the sentence was later incorporated in the available space left between two decisions by manipulation by the headmaster/secretary. The learned senior counsel would point out that the headmaster/secretary could do anything with the records kept in his custody and

that is what is done here. It was argued that the wages of the Pre-Primary teachers and Ayahs were later supplemented by honorarium sanctioned by the Government. The headmaster/secretary cannot appropriate such amounts as he wishes without it being paid to the Ayahs; so submitted the learned senior counsel. As rightly pointed out by the learned senior counsel as and when such amounts are received, the same has to be disbursed to the said staff. The main grievance of the petitioner is that though the first respondent received it from the Government, the petitioner is not paid her honorarium given by the government.

17. The headmaster/secretary admitted that the petitioner was doing work in the school from 31.3.2012 and she delivered a child on 15.5.2012.

18. In the counter affidavit, the first respondent submitted that there was no oral or written request for maternity leave before the delivery of the petitioner. But the definite stand taken by the

petitioner is that she submitted Ext.P3 maternity leave application before the headmaster/secretary, but he refused to accept it and he said that she would not be given further employment. The first respondent admits that the petitioner delivered on 15.5.2012. There is no reason why he was not aware that she was in the family way atleast from the early months of 2012.

19. The petitioner's case is that after the delivery on 15.5.2012, the petitioner's husband met him with discharge card etc. and Ext.P5 petition dated 7.6.2012 which was not accepted. Therefore, he submitted Ext.P5 before the second respondent and Ext.P6 dated 13.6.2012 before the third respondent and thereafter she reported for duty on 1.8.2012. However, the first respondent refused to allow her to join duty. As the petitioner was not allowed to join duty, she again submitted Ext.P7 petition dated 10.8.2012 before the second respondent. Thereafter Ext.P8 petition dated

10.8.2012 was submitted before the third respondent and later, Ext.P9 petition dated 27.8.2012 before the government. The sequence of events would compel this Court to believe the case of the petitioner that she had submitted a leave application before the first respondent and he has refused to accept the same. It is a clear case of harassment and the petitioner was driven from pillar to post with no result as could be seen from the facts narrated in the writ petition.

20. In paragraph 6 of the counter affidavit filed by the first respondent, he has stated that there is no provision to sanction maternity leave for Ayahs. The first respondent forgets the fact that it is the petitioner's natural and fundamental right to get leave for maternity purposes. That cannot be denied neither by the first respondent nor by any authority arbitrarily and with vengeance. It is again stated in paragraph 6 of the counter affidavit that on 6.6.2012, the husband came and orally sought maternity leave for two months and that request was placed before

the PTA meeting on 6.6.2012 and decided not to sanction leave, as it presumed that it would be difficult for her to work from 9 a.m. to 4 p.m. and Ext.R1(b) is produced as the minutes. That is not a valid reason to disallow the maternity leave.

21. As rightly pointed out by the learned senior counsel, all those decisions are inhumane, arbitrary and cruel. None can presume that it would be difficult for the petitioner to work two or three months after delivery, especially, when she was prepared to work as she had no other option to live. It is for the medical experts to say whether a woman can work after two or three months after delivery. The first respondent has no case that the PTA has insisted the petitioner to produce any such certificate from any competent medical authority regarding her fitness to work. It is not a matter either for the headmaster or for the committee to presume or assume. In the list submitted by the first respondent to the third respondent, it is mentioned that the petitioner's

appointment was temporary. Besides from Ext.R1(c), it is clear that the decision to terminate her service was taken only on 28.9.2012. That means, when the petitioner was in service on the school, the 5th respondent was inducted in her place. It was not legally possible or permissible to appoint another Ayah in her place on 6.6.2012. Therefore, the replacement of the petitioner is illegal on the face of the record.

22. The petitioner has a case that the honorarium as well as the other benefits from the Government were not paid to her. The allegation that the petitioner was guilty of deliberate withdrawal from duty prior to sanction cannot be countenanced. When an employee, who is in family way, applies for maternity leave, the first respondent should not have raised such silly objections. The matters now placed on record would indicate that the first respondent was acting in his capacity as the Secretary and Convenor of the PTA against the petitioner with vengeance.

23. When there is an interest created by the Government in an institution to impart education which is a fundamental right of the citizens, the teachers who impart the education gets an element of public interest in the performance of their duties. The element of public interest requires to regulate the conditions of service of those employees at par with government employees. The Ayah duly appointed to the post in a Government school is entitled to seek enforcement of orders issued by the Government. She cannot be denied the benefit which is available to others. Therefore, this Court is of the definite view that the writ petition is perfectly maintainable.

24. On a consideration of the entire materials now placed on record, this Court is of the definite view that the petitioner is entitled to get the relief prayed for.

In the result, this writ petition is allowed.

The action of the first respondent in denying the petitioner continuous employment as Pre-Primary

Ayah attached to the Government Upper Primary School, Kozhinjampara is hereby quashed.

The petitioner shall be reinstated in the first respondent school as Pre-Primary Ayah with continuity of service from June 2010 with all monetary benefits from 1.6.2010. Formal orders to this effect including the monetary benefits shall be given to the petitioner within one month from the date of receipt of a copy of this judgment.

**sd/-A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE