

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 25319 of 2008 (L)

PETITIONER:

**BIJU THOMAS, H.S.A.(MATHS)
MULAMANA HIGHER SECONDARY SCHOOL, ANAKUDY P.O.
VAMANAPURAM, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.P. ARAVINDAKSHAN PILLAY
SMT.N. SANTHA
SRI.K.A. BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A. ANAND**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**
- 2. THE DEPUTY DIRECTOR (EDUCATION)
THIRUVANANTHAPURAM, PIN - 695 014.**
- 3. THE DISTRICT EDUCATIONAL OFFICER
ATTINGAL, THIRUVANANTHAPURAM DISTRICT, PIN - 695 101.**
- 4. THE MANAGER
MULAMANA HIGHER SECONDARY SCHOOL, ANAKUDY P.O.
VAMANAPURAM, THIRUVANANTHAPURAM. PIN - 695 606.**

BY GOVERNMENT PLEADER SMT. A LOWSY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- | | | |
|---------|---|--|
| EXT.P1 | - | COPY OF THE ORDER NO.B3/8417/05/K.DIS DATED 26.12.2005 OF THE 3RD RESPONDENT. |
| EXT.P2 | - | COPY OF THE ORDER NO.B4-1882/2006/K.DIS. DATED 14.05.2007 OF THE 2ND RESPONDENT. |
| EXT.P3 | - | COPY OF THE JUDGMENT IN WP(C) NO.1632 OF 2008 DATED 14.01.2008 OF THIS COURT. |
| EXT.P4 | - | COPY OF THE ARGUMENT NOTES FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT. |
| EXT.P5 | - | COPY OF THE G.O.(RT) NO.3501/04/GL.EDN. DATED 10.08.2004. |
| EXT.P6 | - | COPY OF THE G.O.(RT) NO.1608/06/GL.EDN. DATED 20.04.2006. |
| EXT.P7 | - | COPY OF THE G.O.(RT) NO.4883/05/GL.EDN. DATED 17.10.2005. |
| EXT.P8 | - | COPY OF THE G.O.(RT) NO.1961/06/GL.EDN. DATED 15.05.2006. |
| EXT.P9 | - | COPY OF THE G.O.(RT) NO.2849/07/GL.EDN. DATED 25.06.2007. |
| EXT.P10 | - | COPY OF THE G.O.(RT) NO.2528/08/GL.EDN. DATED 03.06.2008. |
| EXT.P11 | - | COPY OF THE ORDER NO.ET4/56337/14/DPI/KDIS DATED 16.09.2014 OF THE ADDITIONAL DIRECTION OF PUBLIC INSTRUCTION (GENERAL). |
| EXT.P12 | - | COPY OF THE REPRESENTATION DATED 25.08.2011 SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY TO GOVERNMENT. |
| EXT.P13 | - | COPY OF THE REPRESENTATION DATED 17.09.2014 SUBMITTED BY THE PETITIONER BEFORE THE SECRETARY TO GOVERNMENT WITHOUT ITS ENCLOSURES. |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.25319 of 2008

Dated this the 8th day of October, 2015.

JUDGMENT

The petitioner was originally appointed in the respondent aided School on 15.07.2001 and the said appointment was approved. The petitioner also had been appointed for intermittent periods in various vacancies in the School. Subsequently, the petitioner was appointed to a regular vacancy on 13.06.2005. Even prior to that, the petitioner had claimed for salary for the academic year 2003-2004. The petitioner filed a representation for the salary during the period 15.07.2003-14.07.2004 and also for approval of appointment as HSA (Maths) with effect from 13.06.2005. The claim for salary in the academic year 2003-2004 was not considered, however the approval was rejected and the petitioner was before the various authorities, which eventually culminated in Ext.P10 order of the first respondent, which is challenged herein.

2. The petitioner admittedly was re-appointed in the year 2009, which also was not approved and the petitioner was before the various educational authorities. Now, the approval from 2009 has been granted by Ext.P11. In Ext.P11, it is noticed that the prior period is not considered, since the judgment of this Court in compliance of which, Ext.P11 order was passed: did not specifically direct such consideration. The petitioner also admits that, no such consideration was directed, but, however, since the matter was pending before this Court in the above writ petition.

In such circumstances, noticing that the petitioner's subsequent appointment was approved, it is only proper that the first respondent consider the issue afresh. It is made clear that this Court has not gone into the merits of the grounds, on which the petitioner's approval had been rejected in Ext.P10. The petitioner could urge his contentions before the Government. The petitioner has also filed Exts.P12 and P13 representations before the Government. The Government shall hence take up the revision with Exts.P12 and P13 representations and dispose of the same within a period of three months from the date of receipt

of a certified copy of this judgment and also after affording an opportunity of hearing to the petitioner. To facilitate such reconsideration, Ext.P10 is set aside.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

sp/09/10/15

//True Copy//

P.A. to Judge.