

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 22214 of 2014 (B)

PETITIONER :

**JYOTHI P., AGED 34 YEARS,
W/O.K.VIJAYAKRISHNAN, PANGAT HOUSE, POOKKAYIL,
TIRUR - 676 107, LOWER PRIMARY SCHOOL ASSISTANT,
ALPS PORUR, TIRUR P.O. - 676 107, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.V.MOHANAN
SRI.BIJU.P.N.
SRI.J.VIMAL**

RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
MALAPPURAM - 676 102.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER,
TIRUR - 676 107.**
- 4. THE MANAGER,
AIDED LOWER PRIMARY SCHOO, PORUR, TIRUR
MALAPPURAM DISTRICT - 676 107.**

BY SENIOR GOVERNMENT PLEADER SMT. M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS ORDER NO.F/3069/2012
DATED 29.01.2013.
- EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS NO.A/6050/2013 DATED 02.09.2013
COMMUNICATED BY THE AEO TO THE HEAD MASTER ALP SCHOOL
PARUR WITH AUDIT REMARKS.
- EXHIBIT P3: TRUE COPY OF THE PROCEEDINGS ORDER NO.F/4253/2014
DATED 25.07.2014.
- EXHIBIT P4: TRUE COPY OF THE CIRCULAR NO.60930/J2/11/G.EDN.
DATED 25.10.2011.
- EXHIBIT P5: TRUE COPY OF THE G.O(P)NO.56/11/G.EDN. DATED 26.02.2011.
- EXHIBIT P6: TRUE COPY OF THE G.O(P)NO.144/2013/G.EDN. DATED 22.04.2013.
- EXHIBIT P7: TRUE COPY OF THE G.O.(P)NO.199/2011/G.EDN DATED 01.10.2011.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.22214 of 2014

Dated this the 5th day of February, 2015

JUDGMENT

The petitioner was appointed in a Long Term Leave Vacancy of LPSA from 11.6.2012 to 10.6.2015. The appointment was approved by the Assistant Educational Officer, Tirur and the petitioner was given in the regular scale of pay. However, based on the audit objection, this order was reviewed and ordered to be approved as the appointment on daily wages. It is challenging the above order, this writ petition is filed.

2. The petitioner submits that in view of the judgment of the Hon'ble Supreme Court in **State of Kerala v. Sneha Cheriyan (2013 (1) KLT 755)**, the vacancy having more than 8 months duration can be approved in the regular scale of pay.

In view of the above, I am of the view that the issues in the above judgment is covered in favour of the petitioner. Accordingly, the impugned order is set aside.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE

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