

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 22147 of 2015 (P)

PETITIONERS:

1. DEBINAMMA MATHEW, AGED 35 YEARS
W/O.SANTHOSH JOSEPH, PUTHENKULAM HOUSE, PUTHENCHANDA
VAKATHANAM, KOTTAYAM-686 538.

2. SOUMYA.K.S, AGED 28 YEARS
W/O.BIJU.T.B, KOLLAMPARAMBIL HOUSE, PUNNAVELI
NEDUMKUNNAM-689 589.

BY ADVS.SRI.K.GOPALAKRISHNA KURUP (SR.)
SRI.T.B.HOOD
SRI.ABHISHEK KURIAN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERALEDUCATION (P) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM-686 002.

3. THE DISTRICT EDUCATIONAL OFFICER,
KANJIRAPPILLY, KOTTAYAM-686 540.

4. THE HEADMISTRESS,
GOVERNMENT NEW UP SCHOOL, NEDUMKUNNAM
PUNNAVELI-689 589.

5. PRESIDENT,
PARENT TEACHERS ASSOCIATION
GOVERNMENT NEW UP SCHOOL, NEDUMNKUNNAM
PUNNAVELI-689 589.

BY ADVS. SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ
BY SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
BY GOVERNMENT PLEADER SRI. JOSE KALLIYATH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- | | | |
|---------|---|---|
| EXT.P1 | - | COPY OF G.O.(RT)NO.2453/88/G.EDN DATED 05.07.1988 |
| EXT.P2 | - | COPY OF THE PRE-PRIMARY TEACHERS TRAINING
CERTIFICATE OF THE 1ST PETITIONER |
| EXT.P3 | - | COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE
OF THE 2ND PETITIONER |
| EXT.P4 | - | COPY OF THE CERTIFICATE DATED 20.11.2014 ISSUED BY THE
HEADMISTRESS OF THE GOVERNMENT NEW UP SCHOOL,
NEDUMKUNNAM. |
| EXT.P5 | - | COPY OF THE LETTER SENT BY THE 4TH RESPONDENT TO
THE 2ND RESPONDENT |
| EXT.P6 | - | COPY OF THE LETTER SENT BY THE 4TH RESPONDENT TO
THE 5TH RESPONDENT |
| EXT.P7 | - | COPY OF THE REPLY SENT BY THE 5TH RESPONDENT TO THE
4TH RESPONDENT |
| EXT.P8 | - | COPY OF THE LETTER SENT BY THE 4TH RESPONDENT TO
THE 2ND RESPONDENT |
| EXT.P9 | - | COPY OF G.O.(MS)NO.385/2012/G.EDN DATED 07.12.2012 |
| EXT.P10 | - | COPY OF G.O.(MS)NO.146/2013/G.EDN DATED 25.04.2013. |
| EXT.P11 | - | COPY OF THE REPRESENTATION SUBMITTED BY THE PARENT
TEACHERS ASSOCIATION TO THE MINISTER FOR EDUCATION |
| EXT.P12 | - | COPY OF THE LETTER DATED 21.02.2014 SENT BY THE 2ND
RESPONDENT TO THE 1ST PETITIONER. |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.22147 of 2015

Dated this the 16th day of November, 2015.

JUDGMENT

The grievance of the petitioners is substantially redressed, looking through the Counter Affidavit filed on behalf of the first respondent. Paragraph 3 of which is extracted hereunder:

"3. Government have examined the matter in detail and noticed that the Preprimary school in the Government New UPS, Nedumkunnam was started before the ban viz. 07.12.12 and application for approval also was submitted on time. The application has reached the Office of the DDE on 06.12.2012. It was due to administrative delay that the order of approval was not able to be issued before the Government ban on 7.12.2012. Since the teacher and Ayah are qualified they are eligible for the honorarium. The Deputy Director of Education will be directed to take necessary steps for the approval of the Preprimary functioning in Governing new UPS, Nedumkunnam and to sanction honorarium to the Preprimary staff after

ensuring their eligibility.”

2. In such circumstances, Ext.P12 is quashed and the Deputy Director of Education hence is directed to take a decision within three months from the date of receipt of the certified copy of this judgment. It is made clear that the contentions of the petitioners are left open.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

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