

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 24890 of 2013 (I)

PETITIONER(S) :

SHEEBA KUMARI R.,
H.S.A (SANSKRIT),
VOCATIONAL HIGHER SECONDARY SCHOOLM,
KUZHIKKALIDAVAKA, KARIMPINPUZHA P.O.,
PANGOD, KOTTARAKKARA, KOLLAM-691513.

BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY DIRECTOR,
KOLLAM-691 001.
4. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA-691 001.

BY SENIOR GOVERNMENT PLEADER SRI. S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT P1 : TRUE COPY OF THE ORDER IN GO(P) 104/08 DT.10-6-2008.
- EXHIBIT P2 : TRUE COPY OF THE ORDER OF THE DEO DT.12/12/2008.
- EXHIBIT P3 : TRUE COPY OF THE LETTER DT.19-1-2009 BEFORE THE DEO.
- EXHIBIT P4 : TRUE COPY OF THE ORDER DT.28-8-2009 OF THE DEPUTY DIRECTOR.
- EXHIBIT P5 : TRUE COPY OF THE REVISION DT.7-10-2003 FILED BEFORE THE DPI.
- EXHIBIT P6 : TRUE COPY OF THE ORDER DT.28-4-2010.
- EXHIBIT P7 : TRUE COPY OF THE REVISION FILED BEFORE THE GOVERNMENT.
- EXHIBIT P8 : TRUE COPY OF THE GOVERNMENT LETTER 9-4-2013.
- EXHIBIT P9 : TRUE COPY OF THE LETTER OF DEO DT.9-7-2013.
- EXHIBIT P10 : TRUE COPY OF THE GOVERNMENT ORDER DT.26-2-2011.
- EXHIBIT P11 : TRUE COPY OF THE GOVERNMENT ORDER DT.22-4-2013.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.24890 of 2013

Dated this the 5th day of March, 2015

JUDGMENT

The petitioner was appointed as HSA (Sanskrit) in the retirement vacancy in VHSS Kuzhikkalidavaka with effect from 1.7.2008. The District Educational Officer approved the appointment of the petitioner with regular scale of pay only with effect from 1.6.2009. The period from 1.7.2008 to 30.6.2008 was approved only on daily wages.

2. The petitioner submits that since the appointment was in a regular vacancy, the authorities are bound to approve the appointment with effect from the date of appointment on regular scale of pay. The issue is covered in favour of the petitioner in the light of the judgment of this Court in **State of Kerala and Others v. Sneha Cheriyan and Another** [2013(1) KLT 755].

In view of the above, there shall be a direction to the respondents to approve the appointment of the petitioner on regular scale of pay with effect from the date of the appointment and to disburse arrears of salary and all consequential benefits to the petitioner within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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