

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 22267 of 2015 (G)

PETITIONER(S):

**MERIN ANN KOSHY AGED 30 YEARS
MEMURIYIL, PRAVEEN COTTAGE, PUTHUSSERIMALA PORANNI
PATHANAMTHITTA- PRESENTLY WORKING ON LPSA
AMMTTI & UP SCHOOL MARMOM, PATHNAMTHITTA
PRESENTLY WORKING AS LPSA, AMM, TTI & UPSCHOOL
MARAMON, PATHANAMTHITTA**

**BY ADVS.SRI.POOVAMULLE PARAMBIL ABDULKAREEM
SRI.SAJU J.VALLYARA**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE
GOVERNMENT GENERAL EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANTHAPURAM-695 001**
- 2. DISTRICT EDUCATIONAL OFFICER
THIRUVALLA-689 549**
- 3. DEPUTY DIRECTOR OF EDUCATION,
PATHANAMTHITTA, THIRUVALLA-689 549**
- 4. MANAGER
AMMTTI& UP SCHOOL , MARMON, PATHANAMTHITTA-689 549**

R BY GOVERNMENT PLEADER, SMT. LOWSY A

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: PHOTOCOPY OF THE APPOINTMENT ORDER ISSUED BY THE 4TH RESPONDENT MANGER
- EXT.P2: PHOTOCOPY OF THE ORDER DT. 28/11/11 ISSUED BY THE 3RD RESPONDENTS
- EXT.P3: PHOTOCOPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DT. 4/8/12
- EXT.P4: PHOTOCOPY OF THE PROCEEDINGS NO. B1/7022/12 D. DIS DT. 17/11/12 FROM 1/6/11 TO 29/2/12 OF THE D.EO, THIRUVALLA
- EXT.P5; PHOTOCOPY OF THE REVISION PETITION FILED BY THE PETITIONER BEWFORE THE SECRETARY TO THE GOVERNMENT GENERAL EDUCATION DEPARTMENT

IA No.10748/2015

- EXT.P6 PHOTOCOPY OF THE LETTER ISSUED BY THE MANAGER TO THE 3RD RESPONDENT DATED 22.09.2010.
- EXT.P7 PHOTOCOPY OF THE PROCEEDINGS ISSUED BY THE 3RD RESPONDENT DATED 22.09.2010

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 22267 of 2015

Dated this the 4th day of August, 2015

JUDGMENT

The petitioner, who was appointed as an LPSA under the 4th respondent school in a leave without allowance vacancy, is aggrieved by the non approval of the said appointment with effect from 22.09.2010. It is the specific case in the writ petition that, appointment was approved only from 01.06.2011 by treating the appointment from 01.06.2011 as a fresh appointment. The facts in the writ petition would disclose that, the petitioner was initially appointed with effect from 22.09.2010 in a leave vacancy, the duration of which was more than one year. The said appointment having been effected on 22.09.2010, it was an appointment for less than eight months during the academic year 2010-2011. Taking note of the said factual position, and the decision of the Hon'ble Supreme Court in **State of Kerala v. Sneha Cheriyan** [2013 (1) KLT 755] as also the decision of this Court in **Nair Services Society v. State of Kerala** [2013 (4) KLT 921], I am of the view that the petitioner is entitled to an approval of her appointment from 22.09.2010 on regular scale of pay basis. It is made clear, however, that the petitioner will not be entitled to vacation salary in 2010-2011, on account of the tenure of appointment being less than eight months. The writ petition is, therefore, disposed by

W.P.(C). No. 22267 of 2015

directing the respondents to approve the appointment of the petitioner with effect from 22.09.2010 on regular scale of pay basis, subject to the observations made above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das