

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C) .No. 22745 of 2014 (P)

PETITIONER:

ANOOP C AGED 31 YEARS
S/O.LATE C RAMANCHANDRAN NAIR, CHELATH HOUSE
POOVATHIKKAL P O, AREA CODE (VIA)MALAPPURAM DIST
PIN-673639

BY ADVS.SRI.P.K.MOHAMED JAMEEL
SRI.ABDUL SHUKOOR MUNDAMBRA

RESPONDENTS:

1. STATE OF KERALA
REP BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001

2. THE DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM-695014

3. THE DEPUTY DIRECTOR OF EDUCATION
MALAPPURAM-676505

4. THE DISTRICT EDUCATIONAL OFFICER
WANDOOR-679328, MALAPPURAM DIST

5. THE MANAGER
SUBULUSSALAM HIGHER SECONDARY SCHOOL, MOORKANAD
URANGATTIRI P O, MALAPPURAM DIST, PIN-673639

R5 BY ADV. SRI.N.RAGHUNATH
R BY GOVERNMENT PLEADER: SMT. LOWSY A

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

P1:-TRUE COPY OF THE PETITIONERS APPOINTMENT ORDER DTD 29/7/2009

P2:-TRUE COPY OF THE PETITIONERS APPOINTMENT ORDER DTD 1/6/2011

P3:-TRUE COPY OF THE ORDER PASSED BY 3RD RESPONDENT DTD 21/5/2011

P4:-TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DTD 25/8/2011

P5:-TRUE COPY OF THE JUDGMENT IN WPC NO 9284/2014

P6:-TRUE COPY OF THE ORDER PASSED BY IST RESPONDENT DTD 16/7/2014

P7:-TRUE COPY OF THE SAID ORDER ISSUED BY IST RESPONDENT 9/7/2014

RESPONDENT(S) ' EXHIBITS: NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.22745 of 2014
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Dated this the 24th day of February, 2015

JUDGMENT

Petitioner's appointment as HSA was approved only on daily wage basis for the period from 29.07.2009 to 31.03.2010 and thereafter, it was approved on scale of pay. The relief sought in this Writ Petition is for treating the period worked by the petitioner from 29.07.2009 to 31.03.2010 as period approved on scale of pay. Petitioner submits that since the appointment was for a vacancy of having duration of more than one year, he is entitled for scale of pay with effect from the date of appointment. By Ext.P1, petitioner was appointed in a vacancy arising out of leave without allowance from 11.07.2009 to 10.07.2014. petitioner relies on the judgment of the Apex Court in **State of Kerala Vs. Sneha Cherian (2013(1) KLT 755)** where it is held that if the duration of vacancy exceeds one academic year that can be filled up on scale of pay basis. Petitioner requests that his appointment can also be approved on scale of pay from 29.07.2009 to 31.03.2010.

2. Accordingly, there shall be a direction to the fourth respondent to approve the period of appointment of petitioner

with effect from 29.07.2009 to 31.03.2010 and disburse salary in the scale of pay for a period from 29.07.2009 to 31.03.2010 within a period of three months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/24/02/15