

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 22839 of 2014 (D)

PETITIONER(S):

**AMBILI.S.
W/O. JAGADEESH CHANDRAN NAIR D., IYRADATHU HOUSE
THRIKKODITHANAM P.O., CHANGANASSERY
KOTTAYAM - 686 105 (PART TIME LOWER GRADE HINDI TEACHER
NSS TTI (TEACHERS TRAINING INSTITUTE) AND U.P SCHOOL
CHERUKOLE)**

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER
PATHANAMTHITTA.**
- 4. THE GENERAL MANAGER AND INSPECTOR,
OFFICE OF THE GENERAL MANAGER AND INSPECTOR OF NSS SCHOOLS
PERUNNA P.O., CHANGANASSERY - 686 102.**
- 5. THE DEPUTY DIRECTOR (EDUCATION)
OFFICE OF THE DEPUTY DIRECTOR (EDUCATION)
PATHANAMTHITTA AT THIRUVALLA – 689 101.**

**R4 BY ADV. SRI.P.GOPAL
R4 BY ADV. SRI.B.MURALEEDHARAN
R3 BY GOVERNMENT PLEADER SMT.LOWSY.A.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT-P1-TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED 17/11/1998
ISSUED BY RESPONDENT NO.4

EXHIBIT-P2-TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED
28/07/1999 ISSUED BY RESPONDENT NO.4

EXHIBIT-P3-TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED 10/11/1999
ISSUED BY RESPONDENT NO.4

EXHIBIT-P4-TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED
07/08/2001 ISSUED BY RESPONDENT NO.4

EXHIBIT-P5-TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED
10/07/2002 ISSUED BY RESPONDENT NO.4

EXHIBIT-P6-TRUE COPY OF THE APPROVED APPOINTMENT ORDER ISSUED BY
RESPONDENT NO.4

EXHIBIT-P7-TRUE COPY OF THE ORDER DATED 10/07/2004 ISSUED BY RESPONDENT
NO.4

EXHIBIT-P8-TRUE COPY OF THE APPROVED APPOINTMENT ORDER DATED
01/12/2005 ISSUED BY RESPONDENT NO.4

EXHIBIT-P9-TRUE COPY OF THE ORDER DATED 11/07/2007 ISSUED BY RESPONDENT
NO.4

EXHIBIT-P10-TRUE COPY OF THE ORDER DATED 06/03/2008 ISSUED BY
RESPONDENT NO.3.

EXHIBIT-P11-TRUE COPY OF THE ORDER DATED 02/08/2008 ISUSED BY
RESPONDENT NO.5

EXHIBIT-P12-TRUE COPY OF THE GOVERNMENT ORDER DATED 12/10/2006 ISSUED
BY RESPONDENT NO.1

EXHIBIT-P13-TRUE COPY OF THE GOVERNMENT CIRCULAR DATED 18/05/2007
ISSUED BY RESPONDENT NO.1

EXHIBIT-P14-TRUE COPY OF THE JUDGMENT DATED 18/10/2011 PASSED BY THIS
HON'BLE COURT IN W.P(C)NO. 34604/2008.

EXHIBIT-P15-TRUE COPY OF THE JUDGMENT DATED 04/02/2014 PASSED BY THIS
HON'BLE COURT IN W.A .NO.30/2014.

EXHIBIT-P16-TRUE COPY OF THE JUDGMENT DATED 09/07/2014 PASSED BY THIS
HON'BLE COURT IN W.P(C)NO. 22377/2013.

WP(C).No. 22839 of 2014 (D)

EXHIBIT-P17-TRUE COPY OF THE JUDGMENT DATED 04/07/2014 IN W.P(C) 13689/2014

EXHIBIT-P18-TRUE COPY OF THE JUDGMENT DATED 04/07/2014 IN W.P(C) 13167/2014

EXHIBIT-P19-TRUE COPY OF THE ORDER DATED 13/03/2009 PASSED BY
RESPONDENT NO.2

EXHIBIT-P20-TRUE COPY OF THE ORDER DATED 03/04/2012 PASSED BY
RESPONDENT NO.1

EXHIBIT-P21-TRUE COPY OF THE GOVERNMENT ORDER DATED 01/10/2011.

EXHIBIT-P22-TRUE COPY OF THE CLARIFICATORY ORDER DATED 25/10/2011.

RESPONDENT(S)' EXHIBITS : NIL

// TRUE COPY\\

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.22839 of 2014

Dated this the 13th day of January, 2015

JUDGMENT

The petitioner is initially appointed as part time Lower Grade Hindi Teacher with effect from 10.11.1999 and as a full time Lower Grade Hindi teacher with effect from 28.3.2003 onwards. All appointments of the petitioner were approved. The petitioner while working as a full time Lower Grade Hindi teacher, she was reverted and posted as part time Lower Grade Hindi teacher with effect from 13.7.2007 onwards at N.S.S. TTI (Teachers Training Institute) and Upper Primary School, Cherukole by Ext.P9 order. However, the petitioner's appointment as part time Lower Grade Hindi teacher in the above school has not been approved for the reason that the above school has been treated as uneconomic school. The petitioner submits that the issue is covered in favour of the petitioner of this Court in several judgments as the right of a

51A claimant, cannot be defeated by the Government Order referred for non-approval of the petitioner in the above referred school.

In view of the decisions of this Court referred in Exts.P16 to P18, I am of the view that the petitioner is entitled to succeed. Accordingly, the following orders are issued:

Exts.P10, P11, P19 and P20 declining approval of the petitioner to the post of part time Lower Grade Hindi Teacher at NSS TTI (Teachers Training Institute) and Upper Primary School, Cherukole is set aside. There shall be a direction to the third respondent to approve the appointment of the petitioner to the above post with effect from the date of appointment and disburse the salary. The arrears shall be paid within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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