

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 22932 of 2015 (N)

PETITIONER(S):

**M.J.SREEJA AGED 38 YEARS
W/O. SANTHOSH KUMAR
HIGHER SECONDARY SCHOOL TEACHER (POLITICAL SCIENCE)
M.M.HIGHER SECONDARY SCHOOL, UPPODU, EAST KALLADA
KOLLAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SMT.P.A.JENZIA**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM - 695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION
THEVALLY, KOLLAM DISTRICT - 691 009.**
- 4. THE DISTRICT EDUCATIONAL OFFICER
KOLLAM DISTRICT - 691 001.**
- 5. THE MANAGER
M.M.HIGHER SECONDARY SCHOOL, UPPOODU EAST KALLADA
KOLLAM DISTRICT - 691 502.**
- 6. THE HEADMASTER
M.M.HIGHER SECONDARY SCHOOL, UPPOODU, EAST KALLADA
KOLLAM DISTRICT - 691 502.**

R BY GOVERNMENT PLEADER, SMT. M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 22932 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE ORDER NO. ETI/33552/14/DPI/K.DIS DT. 08.5.2015
OF THE 2ND RESPONDENT.**

**EXT.P2 - TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DT.
22.7.2013 AND APPROVAL THEREON.**

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 22932 of 2015

Dated this the 10th day of August, 2015

JUDGMENT

The petitioner, who was appointed as an HSA (Social Science) in the 5th respondent school with effect from 22.07.2013, is aggrieved by the action of the educational authority in splitting her period of appointment into two periods, namely from 22.07.2013 to 31.03.2014 and thereafter from 01.06.2014 onwards. It is the case of the petitioner that the appointment for the period from 22.07.2013 to 31.03.2014 was approved on daily wage basis and the appointment with effect from 01.06.2014 was approved on regular scale of pay basis. It is the specific case of the petitioner that the action of the respondents is contrary to the decision of the Hon'ble Supreme Court in **State of Kerala v. Sneha Cheriyan** [2013 (1) KLT 755 SC] and the decision of this Hon'ble Court in **Nair Service Society v. State of Kerala and others** [2014 (4) KLT 921].

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case

as also the submissions made across the bar, I find that the issue involved in the writ petition is squarely covered by the decision of the Hon'ble Supreme Court in **Sneha Cheriyan's** Case (Cited supra) and also the decision of this Hon'ble Court in **NSS's** Case (Cited supra). Accordingly, the writ petition is allowed and the 4th respondent is directed to pass consequential orders approving the appointment of the petitioner as HSA (Social Science) on regular scale of pay basis, with effect from 22.07.2013 onwards. The 4th respondent shall pass consequential orders as directed within a period of one month from the date of receipt of a copy of this judgment and disburse the consequential monetary benefits, flowing to the petitioner from the said approval within a period of two months thereafter. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 4th respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE