

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).NO. 22998 OF 2015 (Y)

PETITIONER(S) :

MAYALAKSHMI.V
LPSA, APM LOWER PRIMARY SCHOOL
KOTTAKKATTUSERIKKARA, NOORANAD LSPO, NOORANAD
(USHUS, PERRORKARAZHMA, CHARUMOOD)

BY ADVS.SRI.K.SASIKUMAR
SRI.S.ARAVIND
SRI.R.ROHITH

RESPONDENT(S) :

1. STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVNANTHAPURAM-695001
2. DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVNANTHAPURAM-695001
3. DEPUTY DIRECTOR OF EDUCATION
ALAPPUZHA 688001
- 4.DISTRICT EDUCATIONAL OFFICER
MAVELIKARA-690101
- 5.ASSISTANT EDUCATIONAL OFFICER
KAYAMKULAM-690109
6. HEADMISTRESS, APM LOWER PRIMARY SCHOOL
KOTTAKKATTUSERIKKARA, NOORANAD LSPO, NOORANAD-690564
7. MANAGER, APM LOWER PRIMARY SCHOOL
KOTTAKKATTUSERIKKARA, NOORANAD LSPO, NOORANAD-690564

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: A TRUE COPY OF THE STAFF FIXATION ORDER DATED 13.07.2007 PASSED BY THE 5TH RESPONDENT IN THE SCHOOL FOR THE YEAR 2007-2008

EXT.P2: A TRUE COPY OF THE APPOINTMENT ORDER DATED 19.09.2007 ISSUED BY THE 7TH RESPONDENT APPOINTING THE PETITIONER AS LPSA IN THE SCHOOL FROM 19.9.2007 ONWARDS

EXT.P3: A TRUE COPY OF THE ORDER DATED 21.2.2009 ISSUED BY THE 1ST RESPONDENT GOVERNMENT

EXT.P4: A TRUE COPY OF THE ORDER DATED 02.06.2008 ISSUED BY THE 7TH RESPONDENT

EXT.P5: A TRUE COPY OF THE GO(P) 169/04/G.EDN. DATED 15.6.2004 ISSUED BY THE 1ST RESPONDENT

EXT.P6: A TRUE COPY OF THE GO(P) 164/08/G.EDN. DATED 10.6.2008 ISSUED

EXT.P7: A TRUE COPY OF THE JUDGMENT DATED 8.6.2009 IN W.P.(C) . NO.9615/2009 OF THIS HON'BLE COURT.

EXT.P8: A TRUE COPY OF THE ORDER DATED 12.03.2010 IN CONTEMPT CASE (C) . NO. 1238/2009

EXT.P9: A TRUE COPY OF THE GO (P) 56/11/G.EDN., DATED 26.02.2011 ISSUED BY THE 1ST RESPONDENT

EXT.P10: A TRUE COPY OF THE GO (P) 144/13/G.EDN., DATED 22.04.1013

EXT.P11: A TRUE COPY OF THE JUDGMENT DATED 3.7.2015 IN WP(C) NO.19978/2015

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.22998 of 2015

.....
Dated this the 30th day of July, 2015

J U D G M E N T

The issue involved in the writ petition is squarely covered in favour of the petitioner by the decision of the Supreme Court in **State of Kerala v. Sneha Cheriyan - [2013 (1) KLT 755 (SC)]** and a decision of this Court in **Nair Service Society v. State of Kerala - [2013 (4) KLT 921]**. Accordingly, the writ petition is disposed by directing the 5th respondent to approve the appointment of the petitioner on regular scale of pay with effect from the date of her appointment, so as to enable her to draw vacation salary as well. The 5th respondent shall do the needful within a period of three weeks from the date of receipt of a copy of this judgment, and the disbursal of the arrears of salary and other benefits due to the petitioner shall be effected within a period of one month thereafter.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

