

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).NO. 23876 OF 2015 (H)

PETITIONER(S):

- 1. STELLA P.S.
HSST [GEOGRAPHY]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 2. SINDHU K.K
HSST [ECONOMICS]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 3. VINEETH K.P
HSST [POLITICAL SCIENCE]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 4. ANUSHA.A.
HSST [PHYSICS]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 5. SUNITHA.R.
HSST [MALAYALAM]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 6. ASWATHY.M.A
HSST [CHEMISTRY]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 7. AMBILI K.K.
HSST [MATHEMATICS]
SVAHSS NADUVATHUR
QUILANDY - 673 620**
- 8. SINDHU V.K.
HSST JUNIOR[BOTANY]
SVAHSS NADUVATHUR
QUILANDY - 673 620**

**9. RAJESH KIZHAKE MALOL
HSST JUNIOR [ZOOLOGY]
SVAHSS NADUVATHUR
QUILANDY - 673 620**

**BY ADVS.SRI.P.SANKARANKUTTY NAIR
SRI.K.SANDESH RAJA
SRI.VENU MENON**

RESPONDENT(S):

**1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
GENERAL EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001**

**2. THE DIRECTOR
DIRECTORATE OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SHANTHI NAGAR
THIRUVANANTHAPURAM-695 001**

**3. REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION
DIRECTORATE OF HIGHER SECONDARY EDUCATION
KOZHIKODE- 673001**

**4. SREE VASUDEVA ASHRAMAM HIGHER SECONDARY SCHOOL
REPRENTED BY THE MANAGER
NADUVATHUR
QUILANDY - 673 620**

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE GOVERNMENT ORDER NO.G.O[MS]NO.217/2013 DATED 23.07.2013

EXT.P2: TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 1ST PETITIONER DATED 21.5.2011

EXT.P2(A): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 2ND PETITIONER DATED 21.5.2011

EXT.P2(B): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 3RD PETITIONER DATED 21.5.2011

EXT.P2(C): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 4TH PETITIONER DATED 21.5.2011

EXT.P2(D): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 5TH PETITIONER DATED 21.5.2011

EXT.P2(E): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 6TH PETITIONER DATED 21.5.2011

EXT.P2(F): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 7TH PETITIONER DATED 21.5.2011

EXT.P2(G): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 8TH PETITIONER DATED 21.5.2011

EXT.P2(H): TRUE COPY OF THE PROCEEDINGS OF THE SELECTION COMMITTEE APPOINTED TO PURSUANT TO THE SELECTION CONDUCTED BY THE MANAGER APPOINTING THE 9TH PETITIONER DATED 21.5.2011

EXT.P3: TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE

1ST PETITIONER

EXT.P3(A): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 2ND PETITIONER

EXT.P3(B): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 3RD PETITIONER

EXT.P3(C): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 4TH PETITIONER

EXT.P3(D): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 5TH PETITIONER

EXT.P3(E): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 6TH PETITIONER

EXT.P3(F): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 8TH PETITIONER

EXT.P3(G): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 9TH PETITIONER

EXT.P3(B): TRUE COPY OF THE APPOINTMENT ORDER DATED 23.07.2012 ISSUED TO THE 7TH PETITIONER

EXT.P4: TRUE COPY OF THE APPROVAL ORDER NO.A1/13346/2012 DATED 24.10.2013 ISSUED TO THE 1ST PETITIONER

EXT.P5: TRUE COPY OF THE APPROVAL ORDER NO.A1/13347/2012 DATED 3.12.2013 ISSUED TO THE 2ND PETITIONER

EXT.P6: TRUE COPY OF THE APPROVAL ORDER NO.A1/13343/2012 DATED 24.10.2013 ISSUED TO THE 3RD PETITIONER

EXT.P7: TRUE COPY OF THE APPROVAL ORDER NO.A1/13341/2012 DATED 3.12.2013 ISSUED TO THE 4TH PETITIONER

EXT.P8: TRUE COPY OF THE APPROVAL ORDER NO.A1/13348/2012 DATED 3.12.2013 ISSUED TO THE 5TH PETITIONER

EXT.P9: TRUE COPY OF THE APPROVAL ORDER NO.A1/13342/2012 DATED 24.10.2013 ISSUED TO THE 6TH PETITIONER

EXT.P10: TRUE COPY OF THE APPROVAL ORDER NO.A1/13344/2012 DATED 3.12.2013 ISSUED TO THE 7TH PETITIONER

EXT.P11: TRUE COPY OF THE APPROVAL ORDER NO.A1/13340/2012 DATED 24.10.2013 ISSUED TO THE 8TH PETITIONER

EXT.P12: TRUE COPY OF THE APPROVAL ORDER NO.A1/13339/2012 DATED 24.10.2013

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ISSUED TO THE 9TH PETITIONER

**EXT.P13: TRUE COPY OF THE JUDGMENT TAKEN FROM THE HON'BLE HIGH COURT
WEB SITE IN W.P.(C).NO.5709/2007 DATED 22.05.2012**

**EXT.P14: TRUE COPY OF THE INTERIM ORDER DATED 01.07.2014 IN W.P.(C).
NO.16683/2014**

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.23876 OF 2015

Dated this the 6th day of August, 2015

J U D G M E N T

The issue involved in the writ petition is squarely covered in favour of the petitioners by the judgment dated 19.09.2014 in W.P.(C).No.20849 of 2013. Accordingly, Ext.P1 Government order to the extent it affords sanction for posts of HSST prospectively with effect from 23.02.2013 is quashed. Ext.P1 Government order in its application to the petitioners shall have effect from the commencement of the academic year 2011-2012 and subject to the physical verification as to whether the petitioners qualified to hold the post of HSST in terms of Rule 1 (d) of Chapter XXXII of the KER. The respondents shall grant approval to the appointment of the petitioners based on the above direction and disburse the monetary benefits due to the petitioners within a period of three months from the date of receipt of a copy of the judgment. I also make it clear that, on account of the directions given above, and the consequential orders to be passed by the respondent educational authority, the petitioners will not be required to make any contribution under the Contributory Pension Scheme which is introduced with effect from 01.06.2013. Amounts, if any already deducted from payments made to the petitioners, shall be refunded to the petitioners.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

