

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. 24097 of 2015 (J)

PETITIONER(S):

**B.L.SHAJINA AGED 34 YEARS
PADINJARA VEEDU, POONATH PO,
KOZHIKODE DISTRICT , PIN- 673 614**

**BY ADVS.SRI.ASOK M.CHERIAN
SRI.T.R.RENJITH
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.N.RAJAPPAN
SRI.V.K.PRASAD**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT OF KERALA
GENERAL EDUCATION (E) DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM- 695 001**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM - 695 001**
- 3. THE DISTRICT EDUCATIONAL OFFICER, THAMARASSERI
KOZHIKODE DISTRICT - 673 573**
- 4. THE MANAGER, CHAKKALAKKAL HIGH SCHOOL
MADAVOOR, PADANILAM PO, KOZHIKODE DISTRICT - 673 571**

R BY GOVERNMENT PLEADER, SMT. LOWSY A.

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

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE ORDER DATED 17.11.2005 ISSUED BY THE 4TH RESPONDENT APPOINTING PETITIONER AS HSA AGAINST LEAVE VACANCY.
- EXT.P2 TRUE COPY OF THE ORDER DATED 05.06.2006 OF THE 4TH RESPONDENT APPOINTING PETITIONER AS H.S.A FOR A PERIOD FROM 05.06.2006 TO 31.10.2010.
- EXT.P3 TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT STATE, DATED 18.10.2010, EXTENDING THE LEAVE GRANTED TO MR.M.ABOOBACKER.
- EXT.P4 TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 28.08.2006 APPOINTING PETITIONER AGAINST A REGULAR VACANCY.
- EXT.P5 TRUE COPY OF GO(P)No.10/10/G.EDN DATED 12.01.2010
- EXT.P6 TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE PETITIONER BEFORE 1ST RESPONDENT , DATED 12.11.2012.
- EXT.P7 TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 27.10.2014.
- EXT.P8 TRUE COPY OF THE JUDGMENT OF HON'BLE HIGH COURT OF KERALA DATED 18.02.2015 IN WP(C) No.4643 OF 2012 AND CONNECTED CASES.
- EXT.P9 TRUE COPY OF THE JUDGMENT OF HON'BLE HIGH COURT OF KERALA IN WP(C) No.32727 OF 2011, DATED 15.06.2015.

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 24097 of 2015

Dated this the 10th day of August, 2015

JUDGMENT

The petitioner, who was appointed as H.S.A (English) in the school under the management of the 5th respondent, is aggrieved by Ext.P7 order, by which the appointment of the petitioner to a vacancy in the school with effect from 28.08.2006 to 31.05.2011, was not approved stating non compliance with the requirements of G.O.(P) No.10/10/G.Edn. dated 12.01.2010.

Counsel for the petitioner would rely on Ext.P8 judgment of this Court, where, in similar circumstances, considering the case of persons who were appointed prior to the G.O.(P) No.10/10/G.Edn. dated 12.01.2010, it was held that the Government Order imposing a condition on the Manager to execute a bond can apply only to vacancies that arose subsequent to the date of the G.O., and in cases where the appointment was prior to the date of the G.O., the manager was to be treated as having executed the bond undertaking to appoint protected teachers, and the appointment of the persons appointed prior to the date of the Government Order was to be approved by the educational authority with effect from the date of appointment, and consequent salary and other allowances paid to them. The case of the petitioner being identical

to that of the persons dealt with in Ext.P8 judgment, I dispose the writ petition, in the light of Ext.P8 judgment, by directing the respondents to approve the appointment of the petitioner with effect from the date of his appointment, and to disburse the salary and other allowances due to him, within a period of three months from the date of receipt of a copy of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE