

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 34743 of 2005 (J)

PETITIONER:

**M. SUDARSANA DAS, AGED 71 YEARS,
S/O. J. MUTHUNAYAKAM, HEADMASTER (RETD.)
P.K.S. HIGH SCHOOL, KANJIRAMKUKLAM (RESIDING AT
NIRALA, CHOONDUPALAKA, KATTAKKADA
TRIVANDRUM).**

BY ADV. SRI.K.E.HAMZA

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.**
- 2. THE ACCOUNTANT GENERAL (A & E),
KERALA, TRIVANDRUM.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
TRIVANDRUM.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
NEYYATTINKARA, TRIVANDRUM.**

BY GOVERNMENT PLEADER SRI. T.R.RAJESH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1: TRUE COPY OF THE G.O. (P) NO.369/90(41)/FIN OF THE GOVT.**
- P2: TRUE COPY OF THE LETTER OF THE GOVERNMENT**
- P3: TRUE COPY OF THE LETTER NO.B2-4101/98 OF THE DISTRICT EDL.OFFICER**
- P4: TRUE COPY OF THE ORDER NO.B2-5134/2001/L.DIS OF THE DISTRICT EDL.OFFICER, NEYYATTINKARA**
- P5: TRUE COPY OF THE OBJECTION OF THE ACCOUNTANT GENERAL**
- P6: TRUE COPY OF THE APPEAL FILED BEFORE THE GOVERNMENT**
- P7: TRUE COPY OF THE ORDER NO.84508/PRU.1/03/FIN. OF THE GOVT.**
- P8: TRUE COPY OF THE G.O. (P) NO. 153/90/(12)/FIN OF THE GOVT.**
- P9: TRUE COPY OF THE G.O. (P) NO.655/90/(82)/FIN. OF THE GOVT.**

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 34743 of 2005 (J)

Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner, who was a Headmaster, claims that he is entitled to the re-option he made as per Ext.P4 order.

2. Admittedly, the petitioner had exercised option for four posts. Ext.P1 order specifically indicated that where an employee's pay has been fixed in the revised schemes of more than one post, limited to three posts, his pay in each such scale will be fixed under the Rules. Admittedly, the petitioner opted for re-option in four posts, which was declined as per Ext.P5.

In the circumstance of the petitioner's option being against the specific condition in Ext.P1, there can be no fault found on Ext.P4 and the writ petition stands dismissed. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE