

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 25TH DAY OF AUGUST 2016/3RD BHADRA, 1938

W.P.(C).No.24594 of 2015 (Y)

PETITIONER(S):-

SAJITHA. R.,
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY),
SHANMUGHA VILASOM HIGHER SECONDARY SCHOOL, CLAPPANA,
KOLLAM DISTRICT.

BY ADVS.SRI.V.MADHUSUDHANAN
SRI.M.SREEBHADRAN.

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION - HIGHER SECONDARY EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM - 695 001.
3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, CORPORATION BUILDING,
IVTH FLOOR, PALAYAM, THIRUVANANTHAPURAM - 695 034.
4. THE MANAGER,
S.V.H.S.S CLAPPANA, KOLLAM DISTRICT - 690 525.
5. THE PRINCIPAL
S.V.H.S.S CLAPPANA, KOLLAM DISTRICT - 690 525.

R1 TO R3 BY SR. GOVT. PLEADER SRI.RENIL ANTO KANDAMKULATHY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-08-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 - TRUE COPY OF THE G.O. DATED 03.08.11 ISSUED BY THE
1ST RESPONDENT ALONG WITH RELEVANT PAGE
OF ANNEXURE.
- EXT.P2 - TRUE COPY OF THE GO(MS)NO.398/2002/G.EDN. DATED 29.11.02.
- EXT.P3 - TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE KERALA
KAUMUDI DAILY DATED 19.08.11.
- EXT.P4 - TRUE COPY OF THE RANK LIST ISSUED BY THE
4TH RESPONDENT.
- EXT.P5 - TRUE COPY OF THE APPOINTMENT ORDER DATED 12.09.11
ISSUED BY THE 4TH RESPONDENT.
- EXT.P6 - TRUE COPY OF THE JOINING REPORT OF THE PETITIONER
DATED 12.09.11.
- EXT.P7 - TRUE COPY OF THE G.O DATED 28.07.15 ISSUED BY THE
1ST RESPONDENT ALONG WITH THE RELEVANT PAGE OF
LISTS OF SCHOOL.
- EXT.P8 - TRUE COPY OF THE JUDGMENT DATED 19.9.2014 OF
THIS HON'BLE COURT IN WPC. NO.20849 OF 2013.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.24594 of 2015-Y

Dated this the 25th day of August, 2015

JUDGMENT

The question raised in the above writ petition is with respect to the petitioner's claim for approval of appointment from the initial date of appointment, i.e. from 12.09.2011, as an Higher Secondary School Teacher [for brevity "HSST"] (Junior) [Chemistry] or at least from the academic year 2012-13. The petitioner also has a claim for upgradation in the academic year 2012-13 as HSST, if her appointment as HSST [Junior] is approved from 12.09.2011. The entire controversy arose since the Government by an order sanctioned such posts from 15.07.2013 alone.

2. This Court in Exhibit P8 found that there is no rationale for the prospective sanction and the approval has to relate back to the date of appointment itself. The issue is said to be pending in appeal before the Division Bench in W.A.No.724 of 2015. In such circumstance, the petitioner's claim for approval from either the date of appointment or from the academic year 2012-13 would depend upon the orders passed in the Writ Appeal. However,

the petitioner's regularisation can be effected with effect from 16.08.2013 as per the Government order. That would have to be done within a period of two months from the date of receipt of a certified copy of this judgment in accordance with law and looking at the dates and the claim of the petitioner, as per the provisions of the KER.

The writ petition is disposed of as above. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]