

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No.24611 of 2015 (B)

PETITIONER :

SHEEBA. B.,
HIGH SCHOOL ASSISTANT (ENGLISH),
PUTHIYANGADI JAMA-ATH HIGHER SECONDARY SCHOOL,
MADAYI.P.O.,
KANNUR DIST. PIN:670304.

BY ADVS.SRI.MURALI PALLATH
SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVT.,
GENERAL EDUCATION DEPARTMENT,
GOVT.SECRETARIAT (ANNEX),
THIRUVANANTHAPURAM,
PIN – 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY.P.O.,
THIRUVANANTHAPURAM. PIN:695 014.
3. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR,
THANA.P.O.,
KANNUR DIST. PIN 670002.
4. THE DISTRICT EDUCATIONAL OFFICER,
TALIPARAMBA,
KANNUR DIST. PIN :670 141.

BY GOVERNMENT PLEADER SMT.LOWRY.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

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|--------|---|--|
| EXT.P1 | : | COPY OF REPORT ON PAY FIXATION CHECKING
DTD.6.5.2013 ISSUED BY the 2ND RESPONDENT. |
| EXT.P2 | : | COPY OF STATEMENT OF RE-FIXATION OF PAY. |
| EXT.P3 | : | COPY OF STATEMENT OF FIXATION OF PAY IN THE
HIGHER GRADE SCALE. |
| EXT.P4 | : | COPY OF REPRESENTATION DTD.31.7.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT. |
| EXT.P5 | : | COPY OF JUDGMENT OF THE HON'BLE HIGH COURT OF
KERALA IN O.P.No.21833/2001(Y). |
| EXT.P6 | : | COPY OF JUDGMENT DTD.5.6.2003 IN
O.P.No.12457/2001 G OF THE HON'BLE HIGH COURT. |
| EXT.P7 | : | COPY OF JUDGMENT DTD.1.4.2011 IN W.P.(C)No.21010
OF 2008 OF THE HON'BLE HIGH COURT. |
| EXT.P8 | : | COPY OF G.O.(Rt.)No.1288/2015/G.Edn. DTD.30.3.15. |
| EXT.P9 | : | COPY OF G.O.(Rt.)No.5623/2014/G.Edn. DTD.19.12.14. |

RESPONDENTS' EXHIBITS:- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.24611 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

The petitioner is working as High School Assistant (HSA) in Puthiyangadi Jama-ath High School (Aided School) in Kannur District. Her pay is fixed as per Ext.P1 report. She is highly aggrieved by reduction of one increment in basic pay while fixing pay. Being highly aggrieved she has preferred Ext.P4 representation before the 1st respondent praying for re-option for 2009 pay revision and subsequent higher grade.

2. The petitioner has filed this Writ Petition seeking the following reliefs:-

- i. To issue a writ of mandamus commanding the 1st respondent to allow re-option to the petitioner for 2009 pay revision on 1.10.2009 and subsequent higher grade on 27.10.2012.
- ii. To declare that the petitioner is eligible for re-option for 2009 pay revision on 1.10.2009 and re-option for subsequent grade on 27.10.2012.
- iii. To issue orders directing the 1st respondent to consider and pass favourable orders on Ext.P4 within a time limit as fixed by the Hon'ble High Court.

3. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

4. Considering the fact that Ext.P4 representation submitted by the petitioner is pending consideration before the 1st respondent, this Writ Petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Ext.P4 representation, strictly in accordance with law, with notice to the petitioner and after affording her an opportunity of being heard, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a certified copy of this judgment.

It is made clear that, it would be open to the petitioner to rely on Exts.P5, P6 and P7 judgments of this Court and also Exts.P8 and P9 Government Orders before the 1st respondent and the said respondent shall pass a reasoned order considering the aforesaid contentions raised by the petitioner.

ANIL K.NARENDRAN, JUDGE

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