

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 24900 of 2014 (J)

PETITIONER(S):

**PREENA.K.P.,
UPPER PRIMARY SCHOOL ASSISTANT,
S.N.D.P. HIGHER SECONDARY SCHOOL, PALISSERY,
THRISSUR DISTRICT -680 027.**

**BY ADVS.SRI.M.R.ANISON,
SMT.K.P.GEETHA MANI,
SMT.V.BHARGAVI (PANANGAD),
SMT.P.ARINUSA.**

RESPONDENT(S):

- 1. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR- 680 001.**
- 2. THE DISTRICT EDUCATIONAL OFFICER,
IRINJALAKUDA, THRISSUR- 680 121.**
- 3. THE MANAGER,
SNDP HIGHER SECONDARY SCHOOL, PALISSERY,
THRISSUR DISTRICT- 680 027.**
- 4. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**

R1, R2 & R4 BY SR. GOVT. PLEADER SMT.SUNITHA VINOD.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 24900 of 2014 (J)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1 COPY OF APPOINTMENT ORDER OF THE PETITIONER
DATED 12/06/2006 AS APPROVED BY THE 2ND RESPONDENT.**

**EXHIBIT P2 COPY OF THE JUDGMENT DATED 07/04/2011 IN WP(C).NO.31320/2010
OF THIS HON'BLE COURT.**

**EXHIBIT P3 COPY OF THE ORDER DATED 22/09/2012 ISSUED BY THE
1ST RESPONDENT.**

EXHIBIT P3(A) COPY OF ENGLISH TRANSLATION OF EXHIBIT P3.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.24900 of 2014

Dated this the 18th day of March, 2015

JUDGMENT

The petitioner was appointed as Upper Primary School Assistant (UPSA) in an additional division vacancy in the third respondent School with effect from 12.6.2006. The above appointment was approved as per Ext.P1 order only with from 26.10.2011. The reason for non-disbursal of the salary due to the petitioner from 12.6.2006 to 31.5.2011 is on account of the fact that the petitioner's appointment was during the ban period. However, the ban was lifted on condition that the Manager appointed protected hands by executing a bond. The Deputy Director of Education by Ext.P3 order, ordered that based on the bond executed by the Manager, the salary can be disbursed from 12.6.2006.

In view of the fact that the bond has been already executed by the Manager, I do not find any reason to deny the petitioner's salary from 12.6.2006 onwards. Accordingly, there shall be a direction to the respondents 1 and 2 to approve the appointment with effect from 12.6.2006 onwards and to release the entire arrears of salary due to the petitioner within a period of two months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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