

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 25226 of 2015 (C)

PETITIONERS:

1. JAYA K.R AGED 37 YEARS
W/O.KRISHNAKUMAR, UPPER PRIMARY SCHOOL ASSISTANT
C.A.HIGH SCHOOL, AYAKKAD, PALAKKAD DISTRICT.
2. REMA M.M AGED 43 YEARS
W/O.BHAVADA, UPPER PRIMARY SCHOOL ASSISTANT
C.A.HIGH SCHOOL, AYAKKAD, PALAKKAD DISTRICT
3. G.GEETHA , D/O.GANGADHARAN AGED 28 YEARS
URDU TEACHER, GANDHI SMARAK U.P.SCHOOL, MANGALAM
PALAKKAD DISTRICT.

BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON

RESPONDENTS:

1. THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD
678 201.
2. THE ASSISTANT EDUCATIONAL OFFICER
ALATHUR, PALAKKAD DISTRICT 678 201.
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM 695 001.
4. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM PIN - 695 001.

R BY GOVERNMENT PLEADER SMT. M.J. RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25226 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER
APPROVING HER SERVICE FROM 1.6.2007

EXT.P2- TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER
APPROVING HER SERVICE FROM 1.6.2007

EXT.P3- TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED
23.7.2008

EXT.P4- TRUE COPY OF THE ORDER DATED 18.10.2008 ISSUED BY THE 2ND
RESPONDENT

EXT.P5- TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED
1.6.2009

EXT.P6- TRUE COPY OF THE GO(P) NO.56/2011/G.EDN DATED 26.2.2011

EXT.P7- TRUE COPY OF THE GO(P) NO.144/2013/G.EDN DATED 22.4.2013

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 25226 of 2015

Dated this the 10th day of September, 2015

J U D G M E N T

The 1st and 2nd petitioners were appointed as UPSAs with effect from 06.06.2006 in existing vacancies and the 3rd petitioner on 23.07.2008. However, though approval was granted for the first year, wages were paid only on daily wage basis by virtue of an Order G.O(P) No.144/2013/G.Edn dated 22.04.2013. The Government Order has been set aside by this Court in Nair Service Society v. State of Kerala v. [2013 (4) KLT 921]. The decision proceeded on the basis of the decision of the Hon'ble Supreme Court in State of Kerala v. Sneha Cheriyan [2013 (1) KLT 755 (SC)] that, if an appointment is made to a regular post, even if it is in the midst of an academic year, the same has to be regularised as a regular appointment and not on daily wage basis.

3. In the light of the above, this writ petition is disposed of directing the Government to look into the individual cases of

the petitioner and pass appropriate orders in accordance with the decisions above rendered and also permitting disbursement of vacation salary if the petitioners have worked for eight months, in the academic year; within a period of three months from the date of receipt of a certified copy of this judgment.

The writ petition is allowed. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge