

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 29624 of 2010 (C)

PETITIONER(S):

RESHMI R.PILLAI
W/O.MANOJ, AGED 31 YEARS., NATIONAL HIGH SCHOOL
VELLAMKULAM, THIRUVALLA, PATHANAMTHITTA DISTRICT

BY ADV SRI.V.K.GOPALAKRISHNAN

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARAIT
TRIVANDRUM 595 001
2. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, TRIVANDRUM 695 014
3. THE DEPUTY DIRECTOR OF EDUCATION
PATHANAMTHITTA AT THIRUVALLA 689 101
4. THE DISTRICT EDUCATIONAL OFFICER
THIRUVALLA 689 101. PATHANAMTHITTA DISTRICT
5. THE MANAGER
NATIONAL HIGH SCHOOL, VALLAMKULAM 689 541, THIRUVALLA
PATHANAMTHITTA DISTRICT.

R 1-4 BYADV. GOVERNMENT PLEADER SRI S JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE PETITIONER

EXT.P2: TRUE COPY OF THE ORDER NO. B3/16869/08/L.DIS OF THE DEPUTY DIRECTOR

EXT.P3: TRUE COPY OF THE ORDER NO. ET3/53731/2009/DPI/K.DIS. OF THE 2ND RESPONDENT

EXT.P4: TRUE COPY OF THE ORDER NO. 431397/12/10/G.EDN OF THE GOVERNMENT

EXT.P5: TRUE COPY OF THE F4/34993/2009/DPI OF THE 2ND RESPONDENT

EXT.P6: TRUE COPY OF THE LETTER NO. 14002/H2/06/G.EDN. OF THE GOVERNMENT

EXT.P7: TRUE COPY OF THE G.O(P) NO.169/2004/G.EDN OF THE GOVERNMENT

EXT.P8: TRUE COPY OF THE G.O(P) NO.104/2008/G.EDN. OF THE GOVERNMENT

EXT.P9: TRUE COPY OF THE DECISION REPORTED IN 2009(2) KLT 604

RESPONDENTS EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 29624 of 2010

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner was appointed as UPSA, with effect from 18.10.2007, against a regular vacancy. However, though approval was granted; 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 case of the petitioner and pass appropriate orders in accordance with the

decisions above rendered. The consideration shall be made within a period of three months from the date of receipt of a certified copy of this judgment. It is made clear that since the petitioner has worked only for six months, in the said year the petitioner is not entitled to claim vacation salary for the academic year 2007-08.

The writ petition is partly allowed. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge