

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 26056 of 2015 (F)

PETITIONER(S):

- 1. ASHWATHY MOHANAN
PUTHENPURACKAL, KARUNAPURAM P.O., KATTEKKANAM
IDUKKI-685 552.**
- 2. MELONY THOMAS
KANDAMPARAMBIL, KALLAR P.O., THOOKKUPALAM
IDUKKI-685 552.**
- 3. JOMOL JOSEPH
PLATHARA HOUSE, COMBAYAR P.O., PATTATHIMUKE
IDUKKI-685 553.**
- 4. MANJU CHACKO
ANICKATHOTTIYIL HOUSE, PANICKANKUDY, KOMBODINJAL
IDUKKI-685 571.**
- 5. SIMI GEORGE
PALLIKUNNEL, IDUKKI COLONY P.O., VAZHATHOPPU
IDUKKI-685 602.**
- 6. JOSNA JOY
PLAMKUDIYIL HOUSE, VALARA P.O., 12TH MILE
IDUKKI-685 561.**
- 7. AMBILI M.G.
KRISHNA BHAVAN, THOOKKUPALAM, IDUKKI-685 552.**

**BY ADVS.SRI.B.RAGUNATHAN
SRI.M.SALIM
SRI.P.KARTHIKEYAN
SRI.R.SRINATH
SRI.V.M.JACOB**

CONTD .. 2..

WP(C).No. 26056 of 2015 (F)

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDINGS, SANTHI NAGAR
THIRUVANANTHAPURAM-695 001.**
- 3. REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE
TEXT BOOK OFFICE BUILDING, VAYASKARAKUNNU
KOTTAYAM-680 002.**
- 4. PRINCIPAL
GOVERNMENT HIGHER SECONDARY SCHOOL, NEDUMKANDOM
NEDUMKANDOM P.O., IDUKKI-685 553.**

**R BY GOVERNMENT PLEADER SMT. M.J. RAJASREE
R BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
R BY SRI. PAUL JACOB, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : COPY OF APPOINTMENT ORDER NO.A1/2/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 1ST PETITIONER.
- EXT.P2 : COPY OF APPOINTMENT ORDER NO.A1/3/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 2ND PETITIONER.
- EXT.P3 : COPY OF APPOINTMENT ORDER NO.A1/1/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 3RD PETITIONER.
- EXT.P4 : COPY OF APPOINTMENT ORDER NO.A1/4/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 4TH PETITIONER.
- EXT.P5 : COPY OF APPOINTMENT ORDER NO.A1/4/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 5TH PETITIONER.
- EXT.P6 : COPY OF APPOINTMENT ORDER NO.A1/4/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 6TH PETITIONER.
- EXT.P7 : COPY OF APPOINTMENT ORDER NO.A1/7/56/2014-15 DTD.20.8.2014
ISSUED BY 4TH RESPONDENT TO THE 7TH PETITIONER.
- EXT.P8 : COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONERS TO THE HON'BLE CHIEF MINISTER OF KERALA,
DTD.21.11.2014.
- EXT.P9 : COPY OF THE ACKNOWLEDGMENT (MESSAGE) RECEIVED BY 2ND
PETITIONER DTD.10.12.2014 FROM THE OFFICE OF MINISTER FOR
EDUCATION.
- EXT.P10 : COPY OF THE ACKNOWLEDGMENT (MESSAGE) RECEIVED BY 2ND
PETITIONER DTD.4.12.2014 FROM THE OFFICE OF CHIEF
MINISTER.
- EXT.P11 : COPY OF LETTER NO.A1/10386/RDD/14 DTD.19.12.2014 ISSUED BY
THE 3RD RESPONDENT TO THE PETITIONERS.
- EXT.P12 : COPY OF ORDER OF APPOINTMENT NO.A1/8/56/2015-16
DTD.28.5.2015 ISSUED BY 4TH RESPONDENT TO PETITIONERS 1 TO 4.
- EXT.P13 : COPY OF ORDER OF APPOINTMENT NO.A1/9/56/2015-16
DTD.28.5.2015 ISSUED BY 4TH RESPONDENT TO 7TH PETITIONER.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.26056 of 2015 - F

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Dated this the 10th day of December, 2015

J U D G M E N T

The petitioners were appointed on various dates as Guest Teachers in the 4th respondent school. The appointment was made on the basis of a Circular of the Director of Higher Secondary Education, bearing No.ACD.C1.42929/2012/HSE dated 15.06.2013. All the petitioners were appointed on 27.08.2014 and continued till 28.02.2015. Petitioners 1 to 4 and 7 were again re-appointed on 01.06.2015 and are continued till date. Admittedly, the petitioner's appointment was on daily wages, however, the same was permissible, as per the instruction of the Director of Higher Secondary Education, the 2nd respondent herein, as mentioned above.

2. The learned Government Pleader also submits that earlier, the amount was not sanctioned, since there was lack of

funds. However, now it is submitted that as on 10.09.2015, the Government has directed the Director of Higher Secondary Education to consider the applications of all such daily wage appointments, since funds have been made available. In such circumstance, the petitioners' case shall be considered by the 2nd respondent, within a period of one month from the date of production of a certified copy of this judgment and the amounts paid within two months thereafter.

The writ petition is disposed of. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/11/12/2015

// true copy //

P.A to Judge.