

**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. 27084 of 2015 (I)**  
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**PETITIONER(S):**  
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**SHWETHA SASIDHARAN, AGED 19 YEARS  
D/O.K.SASIDHARAN, KUNNAMBATH HOUSE, KIZHAKKUMPATTUKARA  
THRISSUR-680 005..**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)  
SRI.AJEESH K.SASI  
SRI.UNNI SEBASTIAN KAPPEN**

**RESPONDENT(S):**  
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- 1. THE PRINCIPAL, GURUVAYOOR DEVASWOM ENGLISH MEDIUM SCHOOL  
GURUVAYUR-680 101.**
- 2. THE ADMINISTRATOR,  
GURUVAYOOR DEVASWOM, GURUVAYUR 680 101.**
- 3. MANAGEMENT COMMITTEE  
GURUVAYOOR DEVASWOM, GURUVAYOOR, PIN-680 101  
REPRESENTED BY ADMINISTRATOR.**

**R2&3 BY ADV. SRI.P.GOPAL**

**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**  
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- EXT.P1 :** TRUE COPY OF THE CERTIFICATE ISSUED BY THE 1ST RESPONDENT IN THE NAME OF THE PETITIONER'S MOTHER ON 6-1-1999`
- EXT.P2 :** TRUE COPY OF THE NO OBJECTION CERTIFICATE IN THIS REGARD ISSUED BY THE 2ND RESPONDENT DATED 17-8-1999
- EXT.P3 :** TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 30-3-2001.
- EXT.P4 :** TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN OP.NO.36046 OF 2001 DATED 20-12-2001.
- EXT.P5 :** TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT IN PROCEEDINGS NO.186/2006/GDC DATED 25-8-2006.
- EXT.P6 :** TRUE COPY OF THE APPLICATION PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 8-7-2014.
- EXT.P7 :** TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC.NO.5028 OF 2015 DATED 18-3-2015.
- EXT.P8 :** TRUE COPY OF THE COMMUNICATION NO.B1-5471/2015 OF THE 3RD RESPONDENT DATED 6-5-2015.
- EXT.P9 :** TRUE COPY OF THE QUESTIONNAIRE PREFERRED BY THE PETITIONER'S FATHER UNDER THE RIGHT TO INFORMATION ACT DATED 9-6-2015
- EXT.P10 :** TRUE COPY OF THE REPLY TO EXT P9 GIVEN THAT THE RESPONDENT DEVASWOM DATED 18-7-2015
- EXT.P11 :** TRUE COPY OF THE COMMUNICATION OF THE RESPONDENT DEVASWOM BOARD DATED 6-8-2015.

**CONTD .. 2..**

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WP(C).No. 27084 of 2015 (I)

**RESPONDENT(S)' EXHIBITS**

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**EXT.R2(A) COPY OF THE AGENDA AND DOCUMENTS**

**EXT.R2(B) COPY OF THE RESOLUTION DTD. 21.8.14 OF THE MANAGING  
COMMITTEE**

**// TRUE COPY //**

**PA TO JUDGE.**

**SB**

**K. VINOD CHANDRAN, J.**

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**W.P.(C) No.27084 of 2015 - I**

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**Dated this the 10<sup>th</sup> day of December, 2015**

**J U D G M E N T**

The petitioner is the daughter of one Sudha P., who was an L.P.S.A in the C.B.S.E school under the Guruvayur Devaswom Board. The mother of the petitioner died on 09.05.2001. The father of the petitioner at that point of time raised a claim for compassionate appointment, which could not be considered, since, there was no such scheme.

2. The writ petition filed on that count, before this Court, was disposed of by Ext.P4, reserving the claim for consideration; as and when a scheme is framed. The petitioner, who was five year old when her mother died, had made an application immediately on attaining majority, which is produced at Ext.P6, for appointment. The respondents contend that her claim would be considered for appointment in the school, when a vacancy of L.D.C arises. The petitioner however would contend

that there is no vacancy of L.D.C, which would arise in the school in the near future.

3. The learned Standing Counsel for the respondent Board would also submit that as of now, the posts of L.D.C in the school are filled and additionally two Devaswom Board employees are working as clerks in the school. The contention of the Devaswom Board is that as far as the school is concerned, there is no compassionate appointment scheme and even on a sympathetic consideration, appointment can be given only when a vacancy arises in the school. The Devaswom Board and its employees are governed by G.O(P) No.12/99/P&ARD dated 24.09.1999, wherein, the Government has laid down the scheme of compassionate appointment, in the services under the Government. The Devaswom Board admittedly has to apply the said scheme for its employees but however contends that the same cannot be applied to the C.B.S.E school, which it is contended, is a different entity.

4. Ext.P5 assumes significance to consider the said contention. Ext.P5 is a proceeding of the Commissioner of Guruvayur Devaswom dated 25.08.2006 and refers specifically to the C.B.S.E school, carried on by the Guruvayur Devaswom. The proceeding shows that till 2000, staff members of the school were getting the service benefit as Devaswom Board staff, which was objected to by the Commissioner, who was in office in 2001; on the ground that the Guruvayur Devaswom Act 1978, did not envisage running of a C.B.S.E school. The Guruvayur Educational Society formed in 1994 for getting the affiliation from C.B.S.E, received the same in 1995 and the staff were working under the said Society itself, which the Commissioner felt cannot be considered as an establishment within the Devaswom Board. The aggrieved teachers had approached the High Court, seeking restoration of their status as Devaswom staff.

5. Status quo was directed and there was a situation insofar as the staff of the school were not being given

promotions, pay revisions etc. This uncertainty led to lethargy in work and the next incumbent Commissioner, appointed an Expert Committee to look into the grievances of teachers. After looking into the report of the Committee, the Commissioner passed the above proceedings, the relevant portion alone, of which, is extracted hereunder:

The staff appointed by Devaswom on regular scales of pay may be treated as Devaswom staff and pensionary and other benefits as applicable to Devaswom staff allowed to them. Expenditure on this item is to be met from Devaswom funds.

6. Admittedly, the petitioner's mother was one appointed regularly by the Devaswom to the school and was appointed before the year 2000, when the appointments were made by the Devaswom Board to the school on regular scales of pay. In such circumstance, the mother of the petitioner could be deemed to be a person, who was appointed by the Devaswom Board under its establishment, though employed in the school as a teacher.

7. The counter affidavit also reveals that the salary

bill, retirement benefits of teachers, are all prepared at the bill section, by the Devaswom staff and disbursed through the Devaswom pay roll itself. Ext.P11 also indicates that one other deceased teacher's dependent was employed in the Board, on compassionate grounds.

8. In such circumstance, the aforecited Government Order would be clearly applicable to the petitioner. Ext.P8 would stand set aside. The petitioner's case shall be considered along with applications of dependents of other Devaswom Board employees, if any, under G.O(P) No.12/99/P&ARD, within a period of three months from the date of production of a certified copy of this judgment.

The writ petition would stand allowed. The Devaswom Board to comply with the directions as above. No costs.

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

SB/10/12/2015

// true copy //

P.A to Judge.