

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).NO. 27705 OF 2014 (K)

PETITIONER(S) :

DIVYA.P
HSST (ENGLISH), KADACHIRA HSS, KADACHIRA P.O.
KANNUR - 670 621.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.ANOOP.V.NAIR

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENERAL EDUCATION (T) DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION
OFFICE OF THE DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM - 695 001.

3. THE JOINT DIRECTOR (ACADEMIC)
OFFICE OF THE DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM - 695 001.

4. THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE
KOZHIKODE - 673 001.

5. THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE, KANNUR.

BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 27705 OF 2014 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF ORDER NO. A6/934/2014/K.DIS DATED 31/03/2014
ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P2: TRUE COPY OF DIRECTION GIVEN BY THE 2ND RESPONDENT TO
RESPONDENTS 4 & 5 DATED 19/12/2013.

EXHIBIT P2(A): TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P2

EXHIBIT P3: TRUE COPY OF APPEAL PETITION FILED BY THE MANAGER,
KADACHIRA HSS ON BEHALF OF THE PETITIONER TO THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF JUDGMENT DATED 20/01/2006 IN W.P(C) NO.
10845/2005.

EXHIBIT P5: TRUE COPY OF JUDGMENT DATED 22/05/2012 IN W.P.(C) NO.
5709/2007 PUBLISHED IN THE WEBSITE OF THIS HON'BLE COURT.

EXHIBIT P6: TRUE COPY OF ORDER NO. B3/5085/RDDE/HSE/2013 DATED
14/06/2013 ISSUED BY THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY
EDUCATION, ERNAKULAM.

EXHIBIT P7: TRUE COPY OF ORDER NO. B3/5086/RDDE/HSE/2013 DATED
19/06/2013 ISSUED BY THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY
EDUCATION, ERNAKULAM.

EXHIBIT P8: TRUE COPY OF LETTER WRITTEN BY THE 2ND RESPONDENT TO THE
FIRST RESPONDENT DATED 11/04/2013.

EXHIBIT P8(A): TRUE COPY OF ENGLISH TRANSLATION OF EXT P8

EXHIBIT P9: TRUE COPY OF ORDER PASSED BY THIS HON'BLE COURT IN A
SIMILAR MATTER IN WP(C) NO. 20486/2014.

EXHIBIT P10: TRUE COPY OF G.O (MS) 211/2013/G.EDN DATED 15/07/2013.

EXHIBIT P11: TRUE COPY OF JUDGMENT DATED 01.06.2015 IN W.P(C) .
NO.16613/14 AND CONNECTED CASES

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.27705 of 2014

.....
Dated this the 31st day of July, 2015

J U D G M E N T

The issue involved in the writ petition is squarely covered in favour of the petitioner By Ext.P11 judgment of this Court in W.P.(C). No.16613 of 2014. Resultantly, the order impugned in the writ petition, that approve the appointment of the petitioner as HSST with effect from a date, subsequent to the date of her actual appointment in the School, is quashed and the writ petition allowed by holding that the petitioner is entitled to the approval of her appointment with effect from the date of her appointment in the School. As a consequence of the aforesaid direction, I also make it clear that, the petitioner is not required to pay contribution to the Contributory Pension Scheme that was introduced with effect from 01.04.2013. The respondents shall do the needful in disbursing the consequential benefits due to the petitioner expeditiously and at any rate, within a period of three months from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

