

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 27867 of 2014 (G)

PETITIONER:

**DHANYA SURENDRAN, AGED 27 YEARS
D/O.K.SURENDRAN, KUNNATH HOUSE
NANGIARKULANGARA P.O.
NOW WORKING AS HSST (JR.) ENGLISH
SAMAJAM HIGHER SECONDARY SCHOOL
MUTHUKULAM, SOUTH P.O., PIN-690 506.**

BY ADV. SRI.PAULSON THOMAS

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM-695 001.**
- 3. REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION
KOTTAYAM 686 001.**
- 4. MANAGER
SAMAJAM HIGHER SECONDARY SCHOOL
MUTHUKULAM, SOUTH P.O., PIN 690 506.**

BY GOVERNMENT PLEADER VIJU THOMAS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P-1 : COPY OF G.O(MS) NO.167/2011/GEN.EDN. DATED 3.8.2011.
- EXT.P-2 : ENGLISH TRANSLATION OF THE MALAYALAM PORTION OF EXT.P1.
- EXT.P-3 : COPY OF G.O(MS) NO.18/91/GEN.EDN. DATED 01.02.1991.
- EXT.P-4 : COPY OF G.O(MS) NO.398/2002/GEN.EDN. DATED 29.11.2002.
- EXT.P-5 : COPY OF CIRCULAR NO.AD.B1-7225/00/HSE DATED 30.5.2000 ISSUED BY THE DIRECTOR.
- EXT.P-6 : COPY OF REPORT OF FIXATION OF STAFF PROCEEDINGS OF THE OFFICE OF THE 2ND RESPONDENT.
- EXT.P-6(A) : COPY OF REPORT OF FIXATION OF STAFF PROCEEDINGS OF THE OFFICE OF THE 2ND RESPONDENT.
- EXT.P-7 : COPY OF ORDER IN WPC NO.37392 OF 2009 DATED 11.2.2010.
- EXT.P-8 : COPY OF NOTIFICATION PUBLISHED IN KERALA KOUMUDI DATED 23.01.2014.
- EXT.P-9 : COPY OF G.O(RT) NO.725/2014/GEN.EDN DATED 12.02.2014.
- EXT.P-10 : COPY OF THE MINTUES OF STAFF SELECTION COMMITTEE MEETING HELD ON 19.02.2014 AT 4TH RESPONDENT'S PREMISES.
- EXT.P-11 : COPY OF APPOINTMENT ORDER DATED 20.02.2014 APPOINTING PETITIONER AS HSST (JR.) ENGLISH.
- EXT.P-11(A) : COPY OF JOINING REPORT CONCERNING TO THE PETITIONER.
- EXT.P-12 : COPY OF STATEMENT OF CHANGE OF STAFF.
- EXT.P-13 : COPY OF THE LETTER NO.B4/5129/14/HSE/KTM DATED 24.07.2014 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT.
- EXT.P-13(A) : COPY OF THE LETTER REF.NO.11/2013-14 DATED 19.08.2013 SENT BY THE 4TH RESPONDENT TO THE JOINT DIRECTOR, HSE.
- EXT.P-14 : COPY OF G.O(MS) NO.211/2013/GEN.EDN. DATED 15.07.2013.

[CONTD...]

EXT.P-15 : COPY OF G.O(MS) NO.26/2014/GEN.EDN. 01.02.2014.
EXT.P-16 : COPY OF G.O(MS) NO.121/2014/GEN.EDN 03.07.2014.
EXT.P-17 : COPY OF LETTER NO.ACD.C3/23785/2013/HSE DATED
11.10.2013 ISSUED BY THE SECOND RESPONDENT TO THE
FIRST RESPONDENT.
EXT.P-18 : COPY OF THE PROCEEDINGS UNDER THE RTI ACT.
EXT.P-19 : ENGLISH TRANSLATION OF EXT.P18.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.27867 of 2014-G

Dated this the 27th day of November, 2015.

JUDGMENT

The petitioner is before this Court seeking approval of her appointment. The petitioner was appointed with effect from 20.02.2014 to the post of HSST (Junior) English in the 4th respondent's School. The 4th respondent's School, along with other Schools, was sanctioned an additional batch, by Ext.P1 and while creation of posts by GO(MS) No.211/2013/Gen.Edn. dated 15.07.2013, produced as Ext.P14, the petitioner's School was left out. In such circumstance, the Director of Higher Secondary Education had addressed the Government and the Government by GO(MS) No.202/2015/ Gen.Edn. dated 28.07.2015 created a post of HSST (Junior) English in the School, w.e.f. 15.07.2013.

In such circumstances, the petitioner's appointment would have to be approved from 20.02.2014. The petitioner's

regularisation from 20.02.2013 shall be considered by the competent authority, for approval, verifying the sanction as per Ext.P1 and the creation of post as per Government Order dated 28.07.2015, with effect from 15.07.2013. The consideration shall be made within a period of two months from the date of receipt of the certified copy of this judgment and the salary shall be disbursed within three months from the date of approval.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/27/11/18