

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. 27868 of 2014 (G)

PETITIONER:

**KAVITHA, AGED 32 YEARS
W/O. SREEVAS, SREEKARAM, MUTHUKULAM
SOUTH P.O., NOW WORKING AS HSST (JR) ENGLISH
K.V.SANSKRIT HSS, MUTHUKULAM, ALAPPUZHA DIST.
PIN:690 506.**

BY ADV. SRI.PAULSON THOMAS

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM , PIN:695 001.**
- 2. DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM
PIN:695 001.**
- 3. REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION,
KOTTAYAM, PIN-686 001.**
- 4. MANAGER
K.V.SANSKRIT HSS, MUTHUKULAM, ALAPPUZHA DIST.
PINP:690 506.**

BY GOVERNMENT PLEADER SMT. M.J. RAJASREE

**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:-

- EXHIBIT P1 : COPY OF G.O.(MS)NO.167/2011/GEN. EDN. DATED 03.08.2011.
- EXHIBIT P2 : ENGLISH TRANSLATION OF THE MALAYALAM PORTION OF EXT.P1.
- EXHIBIT P3 : COPY OF G.O.(MS)NO.18/91/GEN. EDN. DATED 01.02.1991.
- EXHIBIT P4 : COPY OF G.O.(MS)NO.398/2002/GEN.EDN. DATED 29.11.2002.
- EXHIBIT P5 : COPY OF CIRCULAR NO.ADB1-7225/00/HSE DATED 30.05.2000 ISSUED BY THE DIRECTOR,
- EXHIBIT P6 : COPY OF REPORT OF FIXATION OF STAFF PROCEEDINGS OF THE OFFICE OF THE 2ND RESPONDENT.
- EXHIBIT P7 : COPY OF ORDER IN WPC NO.37392 OF 2009 DATED 11.02.2010.
- EXHIBIT P8 : COPY OF NOTIFICATION PUBLISHED IN KERALA KOUMUDI DATED 08.09.2013.
- EXHIBIT P9 : COPY OF APPLICATION DATED 14.09.2013 MADE BY THE PETITIONER.
- EXHIBIT P10 : COPY OF STAFF SELECTION COMMITTEE REPORT.
- EXHIBIT P11 : COPY OF APPOINTMENT ORDER DATED 23.10.2013.
- EXHIBIT P12 : COPY OF STATEMENT OF CHANGE OF STAFF.
- EXHIBIT P13 : COPY OF PROCEEDINGS OF THE 3RD RSPONDENT DATED 23.07.2014.
- EXHIBIT P14 : COPY OF G.O.(MS)NO.211/2013/GEN.EDN. DATED 15.07.2013.
- EXHIBIT P15 : COPY OF G.O.(MS)NO.26/2014/GEN.EDN. DATED 01.02.2014.
- EXHIBIT P16 : COPY OF G.O.(MS)NO.121/2014/GEN. EDN. DATED 03.07.2014.
- EXHIBIT P17 : COPY OF RELEVANT PORTION OF ANOMALY REPORT NO.ACD-C3/23785/2013/HSE DATED 11.10.2013 MADE BY 2ND RESPONDENT TO THE GOVERNMENT.
- EXHIBIT P18 : COPY OF THE PROCEEDINGS UNDER THE RTI ACT.
- EXHIBIT P19 : ENGLISH TRANSLATION OF EXT.P18.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.27868 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 23.10.2013 to the post of HSST (Junior) English in the 4th respondent's School. The 4th respondent's School, along with other School, 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 23.10.2013. The petitioner's

regularisation from 23.10.2013 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