

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 28639 of 2014 (D)

PETITIONER(S):

1. C.V GEORGE,
HIGHER SECONDARY SCHOOL TEACHER (POLITICS)
NATIONAL HIGHER SECONDARY SCHOOL, KOLATHUR P.O.
MALAPPURAM DISTRICT.

2. C.V.MURALI,
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
NATIONAL HIGHER SECONDARY SCHOOL, KOLATHUR P.O.
MALAPPURAM DISTRICT.

3. SUDHEER AHAMMAD K.
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
NATIONAL HIGHER SECONDARY SCHOOL, KOLATHUR P.O.
MALAPPURAM DISTRICT.

4. SOWMYA M.K.
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
S.M.HIGHER SECONDARY SCHOOL
AYLOOR, PALAKKAD DISTRICT.

5. RAJASREE K.
HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM) S.M.HIGHER
SECONDARY SCHOOL
AYLOOR, PALAKKAD DISTRICT.

6. RESSY ELILZABETH THOMAS
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH) S.M.HIGHER SECONDARY
SCHOOL
AYLOOR, PALAKKAD DISTRICT.

7. P.BIJOSH KUMAR
HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM) R.P.M.HIGHER
SECONDARY SCHOOL
PANANGATTIRI P.O., KOLLENGODE, PALAKKAD DISTRICT.

8. N.UNNIKRISHNA PILLAI
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS) R.P.M.HIGHER
SECONDARY SCHOOL
PANANGATTIRI P.O., KOLLENGODE, PALAKKAD DISTRICT.

9. VRINDA V.
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS) R.P.M.HIGHER
SECONDARY SCHOOL
PANANGATTIRI P.O., KOLLENGODE, PALAKKAD DISTRICT.

10. PREETHA P.K.
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS) R.P.M.HIGHER
SECONDARY SCHOOL
PANANGATTIRI P.O., KOLLENGODE, PALAKKAD DISTRICT.

11. REJITHA T.G.
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY) R.P.M.HIGHER
SECONDARY SCHOOL
PANANGATTIRI P.O., KOLLENGODE, PALAKKAD DISTRICT

12. KUTTAPPA P.V.
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
P.T.M.HIGHER SECONDARY SCHOOL
THRIKKATIRI P.O., PALAKKAD DISTRICT.

13. SADIK K.
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER SCIENCE)
P.T.M.HIGHER SECONDARY SCHOOL
THRIKKATIRI P.O., PALAKKAD DISTRICT.

14. RAIHANA M.K.
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
P.T.M.HIGHER SECONDARY SCHOOL
THRIKKATIRI P.O., PALAKKAD DISTRICT.

15. MUBASHIR M.K.
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
P.T.M.HIGHER SECONDARY SCHOOL
THRIKKATIRI P.O., PALAKKAD DISTRICT.

16. FINOJ P.
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
P.T.M.HIGHER SECONDARY SCHOOL
THRIKKATIRI P.O., PALAKKAD DISTRICT

17. SHAFEEQ ALI
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
K.P.M.S.M.HIGHER SECONDARY SCHOOL
ARIKKULAM, URALOOR, KOILANDY
KOZHIKODE DISTRICT.

18. PRASANTH KUMAR N.K.
HIGHER SECONDARY SCHOOL TEACHER (POLITICAL SCIENCE)
K.P.M.S.M.HIGHER SECONDARY SCHOOL
ARIKKULAM, URALOOR, KOILANDY
KOZHIKODE DISTRICT

19. RAJINDA C.
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
K.P.M.S.M.HIGHER SECONDARY SCHOOL
ARIKKULAM, URALOOR, KOILANDY
KOZHIKODE DISTRICT

20. VIMAL.A.
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
K.P.M.S.M.HIGHER SECONDARY SCHOOL
ARIKKULAM, URALOOR, KOILANDY
KOZHIKODE DISTRICT

21. REKHA A.M.
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
K.P.M.S.M.HIGHER SECONDARY SCHOOL
ARIKKULAM, URALOOR, KOILANDY
KOZHIKODE DISTRICT

22. SATHYADEVAN T.M.
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
R.N..M.HIGHER SECONDARY SCHOOL
NARIPPATTA, CHEKKONUU WEST P.O., KAKKATTIL VIA
KOZHIZKODE DISTRICT.

23. SREEJITH ADAKKUPAREMAL
HIGHER SECONDARY SCHOOL TEACHER (HISTORY)
R.N..M.HIGHER SECONDARY SCHOOL
NARIPPATTA, CHEKKONUU WEST P.O., KAKKATTIL VIA
KOZHIZKODE DISTRICT.

24. ASLAM CHALUPARAMBATH
HIGHER SECONDARY SCHOOL TEACHER (SOCIOLOGY)
R.N..M.HIGHER SECONDARY SCHOOL
NARIPPATTA, CHEKKONUU WEST P.O., KAKKATTIL VIA
KOZHIZKODE DISTRICT

25. JISHA C.R.
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
R.N..M.HIGHER SECONDARY SCHOOL
NARIPPATTA, CHEKKONUU WEST P.O., KAKKATTIL VIA
KOZHIZKODE DISTRICT

26. KAVITHA K.
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
R.N..M.HIGHER SECONDARY SCHOOL
NARIPPATTA, CHEKKONUU WEST P.O., KAKKATTIL VIA
KOZHIZKODE DISTRICT

27. PRAJISH MANHALADATHIL
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
R.N..M.HIGHER SECONDARY SCHOOL
NARIPPATTA, CHEKKONUU WEST P.O., KAKKATTIL VIA
KOZHIZKODE DISTRICT

28. VALSARAJAN K.P.
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

29. NITHIANAND T.K.
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER APPLICATION)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

30. ANISH KUNNATH
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

31. SANTHOSH KUMAR K.V.
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

32. ANAND S.B.
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

33. SHAMEEM K.
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

34. V.SUBASH
HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM)
S.P.B.HIGHER SECONDARY SCHOOL
RAMANATTUKARA, KOZHICODE DISTRICT.

35. REETHA K.P.
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
M.M.HIGHER SECONDARY SCHOOL
NEW MAHE KANNUR DISTRICT.

36. DHANYA.R
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
M.M.HIGHER SECONDARY SCHOOL
NEW MAHE KANNUR DISTRICT.

37. JISHA M.
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER APPLICATION)
M.M.HIGHER SECONDARY SCHOOL
NEW MAHE KANNUR DISTRICT

38. MUHAMMED RIYAS T.K
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
M.M.HIGHER SECONDARY SCHOOL
NEW MAHE KANNUR DISTRICT

39. DEEPA KURIAKOSE
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS)
M.M.HIGHER SECONDARY SCHOOL
NEW MAHE KANNUR DISTRICT

40. SIMI.K.
HIGHER SECONDARY SCHOOL TEACHER (MATHEMATICS)
M.M.HIGHER SECONDARY SCHOOL
NEW MAHE KANNUR DISTRICT

41. VALERINA JOSEPH
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH) SACRED HEARTS '
GIRLS HIGHER SECONDARY SCHOOL
THALASSERY, KANNUR DISTRICT

42. MANJU GEORGE
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH) SACRED HEARTS '
GIRLS HIGHER SECONDARY SCHOOL
THALASSERY, KANNUR DISTRICT

BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.HARISH R. MENON

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHPAURAM.

2. DIRECTOR OF HIGHER SECONDARY EDUCATION
SANTHI NAGAR, THIRUVANANTHPAURAM.695001

3. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION
REGIONAL OFFICE, KOZHIKODE.679001

4. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION
REGIONAL OFFICE, MALAPPURAM.676505

5. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION
REGIONAL OFFICE, KANNUR.

R BY GOVERNMENT PLEADER SMT.LOWSY.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-03-2015, ALONG WITH W.P.(C) NO.32430/2014 AND CONNECTED CASES THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 28639 of 2014 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1.TRUE COPY OF G.O.(MS) NO.128/2010/G.EDN DATED 20/07/2010
ISSUED BY THE 1ST RESPONDENT

EXT.P2.TRUE COPY OF G.O.(MS) NO.211/2011/G.EDN DATED 24/10/2011.

EXT.P3.TRUE COPY OF G.O.(MS) NO.76/2013/G.EDN DATED 23/2/2013.

EXT.4.TRUE COPY OF G.O.(MS) NO.261/2001/G.EDN DATED 17/8/2001.

EXT.P5.TRUE COPY OF G.O.(MS) NO.466/05/G,EDN DATED 31/12/2005.

EXT.P6.TRUE COPY OF G.O.(MS) NO.28/2007/G.EDN DATED 7/2/2007.

EXT.7.TRUE COPY OF THE JUDGMENT DATED 19/9/2014 IN WPC NO.20849/2013.

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/ P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) Nos.28639,32430 & 32482 OF 2014

Dated this the 10th day of March, 2015

JUDGMENT

The petitioners were given upgradation to the post of Higher Secondary School Teacher(Junior). The issue to be considered is regarding the prospective sanction for upgradation based on the date of the Government Order. In fact, the post of HSST were sanctioned as per order dated 24/10/2011.

2. This Court in W.P.(C) No.20849/2013 set aside the Government Order to the extent of having prospective application. This Court held that retrospective application shall take into effect from the commencement of the academic year and subject to physical verification as to whether the petitioners qualify to hold the post of HSST in terms of Rule 1 (d) of Chapter XXXII of the KER.

3. In view of the judgment of this Court in W.P.(C) No.20849/2013, these writ petitions are disposed of by approving the appointment of the petitioners from the

W.P.(C) No.28639/2014 & others .2.

commencement of the academic year subject to the physical verification as directed by this Court in Ext.P7 judgment(W.P. (C) No.20849/2013). Needful shall be done within a period of three months from the date of receipt of a copy of this judgment, including payment of monetary benefits.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

W.P.(C) No.28639/2014 & others

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