

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. 29102 of 2014 (K)

PETITIONERS:

- 1. CORPORATE MANAGER
CORPORATE MANAGEMENT OF CATHOLIC SCHOOLS
PUNALLOOR, KOLLAM DISTRICT.**
- 2. SR. THRESSAMMA K.S., AGED 50 YEARS
D/O.SCARIA MICHAEL, HOLY CROSS CONVENT
URUKUNNAM, NOW WORKING AS HSST (JR) ENGLISH
ST. GORETTY HSS, PUNALLOOR
KOLLAM DISTRICT.**

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.**

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 ORDER IN WPC NO.37392 OF 2009 DATED 11.02.2010.
- EXHIBIT P7 : COPY OF STAFF SELECTION COMMITTEE REPORT.
- EXHIBIT P8 : COPY OF APPOINTMENT ORDER DATED 15.07.2013.
- EXHIBIT P9 : COPY OF THE STATEMENT OF CHANGE OF STAFF.
- EXHIBIT P10 : COPY OF THE PROPOSAL MADE BY THE MANAGER.
- EXHIBIT P10(A): COPY OF THE DECLARATION OF MANAGER ATTACHED TO P10.
- EXHIBIT P10(B): COPY OF KER DECLARATION OF MANAGER ATTACHED TO P10.
- EXHIBIT P11 : COPY OF GO(MS)NO.211/2013/GEN.EDN. DATED 15.07.2013.
- EXHIBIT P12 : COPY OF GO(MS)NO.26/2014/GEN.EDN. DATED 01.02.2014.
- EXHIBIT P13 : COPY OF GO(MS)NO.121/2014/GEN./EDN. DATED 03.07.2014.
- EXHIBIT P14 : COPY OF RELEVANT PORTION OF ANOMALY REPORT NO.ACD-C323785/2013/HSE DATED 11.10.2013 MADE BY 2ND RESPONDENT TO THE GOVERNMENT.
- EXHIBIT P15 : COPY OF THE PROCEEDINGS UNDER THE RTI ACT.
- EXHIBIT P16 : ENGLISH TRANSLATION OF EXT.P15.
- EXHIBIT P17 : COPY OF STAFF FIXATION ORDER.
- EXHIBIT P18 : COPY OF REPRESENTATION OF 1ST PETITIONER MANAGER TO DIRECTOR DATED 05.08.2014.
- EXHIBIT P18(A): COPY OF REPRESENTATION OF 1ST PETITIONER MANAGER TO GOVERNMENT DATED 05.08.2014.

[CONTD...]

EXHIBIT P18(B): COPY OF REPRESENTATION OF 2ND PETITIONER MANAGER
TO GOVERNMENT DATED 21.07.2014.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.29102 of 2014-K

Dated this the 27th day of November, 2015.

JUDGMENT

The Corporate Manager and one Teacher are before this Court seeking approval of appointment of the 2nd petitioner. The petitioner was appointed with effect from 15.07.2013 to the post of HSST (Junior) English. The first petitioner'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.P11, 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 15.07.2013. The petitioner's

regularisation from 15.07.2013, shall be considered by the 3rd respondent 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