

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

W.P.(C).No.30693 of 2015 (J)

PETITIONER(S):-

1. SHINOY S.B., AGED 32 YEARS,
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
2. GIJESH PARAMBANADATH THATTIPRAVAN,
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
3. SMIJA NELLIYATTA,
HIGHER SECONDARY SCHOOL TEACHER (BOTONY),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
4. DIVYA T,
HIGHER SECONDARY SCHOOL TEACHER (ZOOLOGY),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
5. REMYAA.M.
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER SCIENCE),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
6. SANGEETHA NITTOO KOMATH
HIGHER SECONDARY SCHOOL TEACHER (JR.) (HINDI),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.

7. KAVITHA K.,
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
8. BINDU O.K.,
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE),
SIVAPURAM HIGHER SECONDARY SCHOOL, SIVAPURAM P.O.,
VIA MATTANUR, KANNUR DISTRICT.
9. SUDINAMOL P.,
HIGHER SECONDARY SCHOOL TEACHER (HISTORY),
PMSA HIGHER SECONDARY SCHOOL, ELANKUR P.O., MANJERI,
MALAPPURAM DISTRICT.
10. ABDUL LATHEEF PANOLI,
HIGHER SECONDARY SCHOOL TEACHER (ARABIC),
PMSA HIGHER SECONDARY SCHOOL, ELANKUR P.O., MANJERI,
MALAPPURAM DISTRICT.
11. SUBAIR K.
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS),
PMSA HIGHER SECONDARY SCHOOL, ELANKUR P.O., MANJERI,
MALAPPURAM DISTRICT.
12. MENOUP T.,
HIGHER SECONDARY SCHOOL TEACHER (COMPUTER SCIENCE),
THARAKAN HIGHER SECONDARY SCHOOL, ANGADIPURAM P.O.,
MALAPPURAM DISTRICT.
13. DEEPA K.,
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE),
THARAKAN HIGHER SECONDARY SCHOOL, ANGADIPURAM P.O.,
MALAPPURAM DISTRICT.
14. SONIYAROSE DANIEL,
HIGHER SECONDARY SCHOOL TEACHER (CHEMISTRY)
THARAKAN HIGHER SECONDARY SCHOOL, ANGADIPURAM P.O.,
MALAPPURAM DISTRICT.
15. ANJU P.VARGHESE
HIGHER SECONDARY SCHOOL TEACHER (PHYSICS),
S.M.M.HIGHER SECONDARY SCHOOL, RAIRAMANGALAM,
TANUR P.O., MALAPPURAM DISTRICT.

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

RESPONDENT(S):-

1. STATE OF KERALA,
REPRESENTED BY IS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
SANTHI NAGAR, THIRUVANANTHAPURAM, PIN - 695 001.
3. REGIONAL DEPUTY DIRECTOR OF EDUCATION,
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE, KANNUR,
PIN - 670 001.
4. REGIONAL DEPUTY DIRECTOR OF EDUCATION,
HIGHER SECONDARY EDUCATION, REGIONAL OFFICE,
MALAPPURAM, PIN - 673 008.

R1 TO R4 BY GOVERNMENT PLEADER SMT.A.LOWSY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1. A TRUE COPY OF THE G.O.(MS)NO.211/2011/G.EDN.
DATED 24.10.2011.
- EXHIBIT P2. A TRUE COPY OF THE CIRCULAR NO.ACD-B5/47005/HSE/10
DATED 15.11.2011.
- EXHIBIT P3. TRUE COPY OF THE ORDER NO.A2/6823/2012(a)
DATED 03.10.2012 APPROVING THE APPOINTMENT OF THE
1ST PETITIONER.
- EXHIBIT P4. TRUE COPY OF THE ORDER NO.A2/6823/2012(b)
DATED 03.10.2012 APPROVING THE APPOINTMENT OF THE
2ND PETITIONER.
- EXHIBIT P5. TRUE COPY OF THE ORDER NO.A5/14001/2011 DATED
23.05.2012 APPROVING THE APPOINTMENT OF THE
3RD PETITIONER.
- EXHIBIT P6. TRUE COPY OF THE ORDER NO.A5/14001/2011
DATED 23.05.2012 APPROVING THE APPOINTMENT OF THE
4TH PETITIONER.
- EXHIBIT P7. TRUE COPY OF THE ORDER NO.A5/14001/2011
DATED 23.05.2012 APPROVING THE APPOINTMENT OF THE
5TH PETITIONER.
- EXHIBIT P8. TRUE COPY OF THE ORDER NO.A5/14001/2011
DATED 23.05.2012 APPROVING THE APPOINTMENT OF THE
6TH PETITIONER.
- EXHIBIT P9. TRUE COPY OF THE ORDER NO.A5/14001/2011
DATED 23.05.2012 APPROVING THE APPOINTMENT OF THE
7TH PETITIONER.
- EXHIBIT P10. TRUE COPY OF THE ORDER NO.A5/14001/2011
DATED 23.05.2012 APPROVING THE APPOINTMENT OF THE
8TH PETITIONER.
- EXHIBIT P11. TRUE COPY OF THE ORDER NO.B4/14038/2011
DATED 16.08.2012 APPROVING THE APPOINTMENT OF THE
9TH PETITIONER.

EXHIBIT P12. TRUE COPY OF THE ORDER NO.B4/14038/2011(1)
DATED 16.07.2012 APPROVING THE APPOINTMENT OF THE
10TH PETITIONER.

EXHIBIT P13. TRUE COPY OF THE ORDER NO.B4/14038/2011
DATED 16.08.2012 APPROVING THE APPOINTMENT OF THE
11TH PETITIONER.

EXHIBIT P14. TRUE COPY OF THE ORDER NO.A2/13975/2011(i)
DATED 11.10.2012 APPROVING THE APPOINTMENT OF THE
12TH PETITIONER.

EXHIBIT P15. TRUE COPY OF THE ORDER NO.A2/13975/2011(a)
DATED 31.07.2012 APPROVING THE APPOINTMENT OF THE
13TH PETITIONER.

EXHIBIT P16. TRUE COPY OF THE ORDER NO.A2/13975/2011(f)
DATED 31.07.2012 APPROVING THE APPOINTMENT OF THE
14TH PETITIONER.

EXHIBIT P17. TRUE COPY OF THE ORDER NO.A5/14002/2011/HSE(1)
DATED 07.08.2012 APPROVING THE APPOINTMENT OF THE
15TH PETITIONER.

EXHIBIT P18. TRUE COPY OF G.O.(MS)NO.126/1992/G.EDN. DATED 17.06.1992.

EXHIBIT P19. A TRUE COPY OF THE COMMUNICATION
NO.ACD-C3/53830/HSE/2013 DATED 19.12.2013.

EXHIBIT P20. A TRUE COPY OF THE ORDER NO.A3/12735/2011
DATED 19.04.2012.

EXHIBIT P21. TRUE COPY OF THE JUDGMENT DATED 04.12.2014 IN
WP(C)NO.15651/2014.

EXHIBIT P22. TRUE COPY OF THE GOVERNMENT ORDER DATED 03.03.2015.

EXHIBIT P23. TRUE COPY OF THE ORDER DATED 21.05.2015 ISSUED BY
THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/

[true copy]

K. Vinod Chandran, J

W.P.(C).No.30693 of 2015-J

Dated this the 04th day of November, 2015

JUDGMENT

The petitioners' grievance in the above writ petition is that they were not granted vacation salary on the ground that Rule 49 of Chapter XIV-A of Kerala Education Rules, 1959; applies to the Higher Secondary section also.

2. The issue is no longer *res integra*, since Exhibit P21 judgment in W.P.(C).No.15651 of 2014 and connected case, dated 04.12.2014, has held that Rule 49 of Chapter XIV-A KER is not applicable to the Higher Secondary section.

3. In the above circumstance, Exhibits P3 to P17 orders are quashed to the extent it declines vacation salary to the petitioners. The question of vacation salary shall be considered afresh in accordance with law, on the petitioners producing a certified copy of this judgment

along with a copy of the judgment at Exhibit P21. The consideration shall be made in accordance with the direction in Exhibit P21 and orders passed and the arrears disbursed within a period of six months from the date of production of a certified copy of this judgment.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]