

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 31828 of 2014 (C)

PETITIONER(S):

JEETHY C.CHERIYAN AGED 39 YEARS
W/O. BIJU JACOB, MULAKKAL HOUSE, MUNDATHANAM P.O.
KANGAZHA
KOTTAYAM DISTRICT (NOW WORKING AS PRE PRIMARY SCHOOL TEACHER
GOVERNMENT HIGH SCHOOL, VAZHOOR, KOTTAYAM)

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM- 695 014.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM - 686 001.

4. THE DISTRICT EDUCATION OFFICER,
KANJIRAPALLY - 686 570.

5. GOVERNMENT HIGH SCHOOL, VAZHOOR - 686 504,
REPRESENTED BY ITS HEADMISTRESS.

R BY GOVERNMENT PLEADER: SRI VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT-P1-TRUE COPY OF THE PRE PRIMARY TEACHER TRAINING CERTIFICATE ISSUED BY THE GOVERNMENT OF KERALA.

EXHIBIT-P2-TRUE COPY OF THE ORDER DATED 26/09/2012 SANCTIONING PRE PRIMARY SCHOOL AT THE 5TH RESPONDENT SCHOOL ISSUED BY THE 3RD RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P3-TRUE COPY OF THE G.O(RT) 465/88/G.EDN. DATED 06/02/1988

EXHIBIT-P4-TRUE COPY OF THE G.O(RT) 2453/88/G.EDN. DATED 05/07/1988

EXHIBIT-P5-TRUE COPY OF THE G.O(MS) 385/2012/G.EDN. DATED 07/12/2012 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P6-TRUE COPY OF THE G.O(MS) 146/2013/G.EDN. DATED 25/04/2013 ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P7-TRUE COPY OF THE LETTER DATED 17/12/2012 OF THE 5TH RESPONDENT TO THE 4TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P8-TRUE COPY OF THE CERTIFICATE DATED 23/09/2014 ISSUED BY THE 5TH RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P9-TRUE COPY OF THE CIRCULAR NO. NS 4/44009/14/DPI DATED 28/06/2014 ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P10-TRUE COPY OF THE REPLY DATED 28/08/2014 SENT BY THE 3RD RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

EXHIBIT-P11-TRUE COPY OF THE REPLY DATED 10/10/2014 SENT BY THE 2ND RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.31828 of 2014C
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Dated this the 05th day of January, 2015

JUDGMENT

Petitioner is working as pre-primary school teacher attached to Government High School, Vazhoor. Petitioner has been appointed by the Parent-Teachers Association. Pre-primary teachers was paid honorarium at the rate of ₹3,500/-. The Division Bench of this Court in the judgment in **Kerala Pre-primary Teachers and Ayahs Association and Ors. Vs. State of Kerala and Anr. (2012(3) KHC 608)** held that pre-primary teachers are entitled for ₹5,000/- as honorarium and Government was directed to pay honorarium at the rate of ₹5,000/-. Judgment was rendered on 01.08.2012. Petitioner was appointed with effect from 16.10.2012. The Government by Ext.P5 Government Order dated 07.12.2012 ordered that all pre-primary qualified teachers are entitled for honorarium at the rate of Rs.5,000/- with effect from 01.08.2012. Petitioner accordingly was paid honorarium at the above rate till March 2014. However, this was abruptly stopped. It is stated in Ext.P10 order that only persons who are in service as on 01.08.2012 alone are eligible for honorarium and petitioner's appointment only subsequent to 01.08.2012 is not entitled for

honorarium based on Ext.P5 Government order. The Director of Public Instruction affirmed the decision of the Deputy Director of Education as made in Ext.P10 by Ext.P11 order. It is challenging these orders petitioner filed this Writ Petition.

2. Learned counsel for the petitioner Sri.A Shafeek pointed out that Ext.P5 Government order is not rightly understood by the authorities. There is no reference in Ext.P5 that only the persons who are on the roll of pre-primary teachers as on 01.08.2012 are alone entitled for drawal of honorarium. It is further pointed out that there was no ban in making appointment at the time petitioner was appointed. Therefore, it is submitted that the petitioner is also entitled for honorarium at the rate of ₹5,000/- as ordered in Ext.P5.

3. Learned Government Pleader placed before me the communication issued by the Secretary to Government dated 13.12.2014 to the Deputy Director of Education, Kottayam. It is stated in the communication that the petitioner is also entitled for enhanced honorarium with arrears from April 2014 onwards.

4. In view of the stand of the Government as seen from the communication, there is no justification for the denial of enhanced

honorarium to the petitioner. There shall be a direction to the 4th respondent to pay the honorarium at the rate of ₹5,000/- to the petitioner along with arrears from April 2014 onwards within a period of one month from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/05/01/15