

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 33197 of 2015 (Y)

PETITIONER:

**ANTU A.D. AGED 44 YEARS
S/O. DEVASSY A.D., AKKARA HOUSE, P.O. MATTOM,
NOW WORKING AS HSST (MALAYALAM)
ST. FRANCIS HIGHER SECONDARY SCHOOL,
MATTOM, THRISSUR DISTRICT 687 503.**

BY ADV. SRI.PAULSON THOMAS

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
OFFICE OF THE DIRECTORATE OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM 695 001.**
- 3. REGIONAL DIRECTOR OF HIGHER SECONDARY EDUCATION,
EDAPPALLY, ERNAKULAM - 682 024.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
CHAVAKKAD AND EX-OFFICIO MANAGER,
ST. FRANCIE HIGHER SECONDARY SCHOOL,
MATTOM, THRISSUR DISTRICT - 687 503.**

BY GOVERNMENT PLEADER SMT. LOWSY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 33197 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF THE APPROVAL ORDER OF THE PETITIONER AS HSST**
- P2 : TRUE COPY OF THE G.O.(MS) NO.162/98/GEN.EDN DATED 13.5.1998**
- P3 : TRUE COPY OF THE G.O.(MS)351/2004/GEN.EDN DATED 20.11.2004**
- P4 : TRUE COPY OF THE G.O.(RT) NO.3734/2015/GEN.EDN DATED 1.9.2015**
- P5 : TRUE COPY OF THE ORDER IN W.P.(C) 28008/15 DATED 16.9.2015**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 33197 of 2015 (Y)

Dated this the 30th day of October, 2015

J U D G M E N T

The petitioner apprehends that directions in Ext.P4 with respect to the seniority of HSSTs who have been promoted from the post of HSA would adversely affect the petitioner if the Deputy Director of Education, who has to draw up the seniority list in the petitioner school, follows the said direction. Suffice it to notice that the petitioner, who was an HSA, was promoted as an HSST and the approval was granted right from the date of promotion.

2. The controversy arose only because, on by-transfer appointment, there was a possibility of such HSAs being posted as Part Time HSST (Junior), reckoning the divisions in the School. However, in Government schools Ext.P2 order was issued directing that even when there is lack of division, any by-transfer appointment shall be as a Full Time HSST. The same was extended to the

aided schools also by Ext.P3. The petitioner, hence, was granted revised approval with effect from 16.10.2000, his original appointment. Now in the case of another teacher at Ext.P4 it has been directed that the seniority would be only from the date on which there are sufficient divisions to treat the teacher as a Full Time teacher.

3. The petitioner apprehends that in a request made by another teacher of the petitioner school, the D.D.E. may follow Ext.P4. It is to be noticed that it is only an apprehension and if at all the same is followed, then the petitioner would have to challenge that. At this point, there is no reason to issue notice in the writ petition.

The writ petition would stand dismissed, however leaving open all the contentions.

Sd/-
K.VINOD CHANDRAN,
JUDGE