

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937**

**WP(C).No. 34019 of 2015 (B)**  
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**PETITIONER(S):**  
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- 1. DHANYA K, AGED 32 YEARS  
HIGHER SECONDARY SCHOOL TEACHER, BOTANY, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 2. SAILATH . P.K  
HIGHER SECONDARY SCHOOL TEACHER, CHEMISTRY, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 3. MOHAMMED KUTTY. T  
HIGHER SECONDARY SCHOOL TEACHER, ARABIC, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 4. JISMITH . B. C  
HIGHER SECONDARY SCHOOL TEACHER, MATHEMATICS, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 5. ALI KADAVANDI,  
HIGHER SECONDARY SCHOOL TEACHER, COMMERCE, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 6. JENOY MATHEW  
HIGHER SECONDARY SCHOOL TEACHER, PHYSICS, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 7. ABDUL LATHEEF. A.C  
HIGHER SECONDARY SCHOOL TEACHER, ECONOMICS, AKMHSS  
KOTTOR, INDIANOOR, KOTTAKKAL  
MALAPPURAM**
- 8. ABDUL GAFOOR. T.C  
HIGHER SECONDARY SCHOOL TEACHER  
COMPUTER APPLICATION, AKMHSS, KOTTOR  
INDIANOOR, KOTTAKKAL, MALAPPURAM**

**WP(C).No. 34019 of 2015 (B)**  
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**BY ADVS.SRI.AUGUSTINE JOSEPH  
SRI.K.S.ROCKEY  
SRI.TONY AUGUSTINE  
SRI.GEORGE RENOY**

**RESPONDENT(S):**  
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- 1. THE REGIONAL DEPUTY DIRECTOR  
HIGHER SECONDARY EDUCATION, MALAPPURAM-676 505**
- 2. THE DIRECTOR  
HIGHER SECONDARY EDUCATION  
THIRUVANANTHAPURAM-695001**
- 3. STATE OF KERALA  
REPRESENTED BY THE SECRETARY  
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT  
THIRUVANANTHAPURAM-695 001**

**R1-3 BY GOVERNMENT PLEADER SMT.A.NANCY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-11-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**VS**

**WP(C).No. 34019 of 2015 (B)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1:** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 1ST  
PETITIONER DT. 19/11/13

**EXT.P1(B):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 2ND  
PETITIONER DT. 19/11/13

**EXT.P1(C):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 3RD  
PETITIONER DT. 19/11/13

**EXT.P1(D):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 4TH  
PETITIONER DT. 13/11/13

**EXT.P1(E):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 5TH  
PETITIONER DT. 13/11/13

**EXT.P1(F):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 6TH  
PETITIONER DT. 13/11/13

**EXT.P1(G):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 7TH  
PETITIONER DT. 13/11/13

**EXT.P1(H):** TRUE COPY OF THE APPROVAL OF APPOINTMENT OF 8TH  
PETITIONER DT. 13/11/13

**EXT.P2:** TRUE COPY OF THE LETTER DT. 12/8/15 FROM THE 1ST RESPONDENT

**EXT.P3:** TRUE COPY OF THE JUDGMENT IN WPC 11048/14 DT. 4/12/14

**EXT.P4:** TRUE COPY OF THE LETTER DT. 19/12/13 FROM THE 2ND  
RESPONDENT

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**K.VINOD CHANDRAN, J.**

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**W.P.(C).No.34019 of 2015**  
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Dated this the 20<sup>th</sup> 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 the 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 P1 series are modified to the extent it declines vacation salary to the petitioners, allowing the same. 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 aforecited

judgment. The consideration shall be made in accordance with the directions of this Court 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**

VS