

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 35220 of 2014 (B)

PETITIONER(S):

1. SINDHU. G., HSST (ENGLISH),
N.S.S. HIGHER SECONDARY SCHOOL,
AKATHETHARA, PALAKKAD-678 008.
2. B. SUDHAMONIAMMA, HSST (MATHEMATICS),
N.S.S. HIGHER SECONDARY SCHOOL,
AKATHETHARA, PALAKKAD-678 008.
3. SINDHU I.P., HSST (PHYSICS),
N.S.S. HIGHER SECONDARY SCHOOL,
AKATHETHARA, PALAKKAD-678 008.
4. BEENARANI S., HSST (CHEMISTRY),
N.S.S. HIGHER SECONDARY SCHOOL,
AKATHETHARA, PALAKKAD-678 008.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.
2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM -695 001.
3. REGIONAL DEPUTY DIRECTOR OF
HIGHER SECONDARY EDUCATION,
MALAPPURAM.
4. THE CORPORATE MANAGER (GENERAL MANAGER & INSPECTOR),
N.S.S. HIGHER SECONDARY SCHOOL, AKATHETHARA,
PALAKKAD-678 008.

WP(C).No. 35220 of 2014 (B)

**5. THE PRINCIPAL,
N.S.S. HIGHER SECONDARY SCHOOL, AKATHETHARA,
NSS ENGINEERING COLLEGE P.O, PALAKKAD.**

R1 TO R3 BY GOVT. PLEADER SMT.SUNITHA VINOD.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - TRUE COPY OF THE APPOINTMENT ORDER PERTAINING TO THE 1ST PETITIONER.
- EXT.P2 - TRUE COPY OF THE APPROVAL ORDER PERTAINING TO THE 1ST PETITIONER.
- EXT.P3 - TRUE COPY OF THE APPOINTMENT ORDER PERTAINING TO THE 1ST PETITIONER.
- EXT.P4 - TRUE COPY OF THE ORDER DATED 10-07-2012 PERTAINING TO THE 2ND PETITIONER.
- EXT.P5 - TRUE COPY OF THE APPOINTMENT ORDER DATED 08-12-2011 PERTAINING TO THE 3RD PETITIONER.
- EXT.P6 - TRUE COPY OF THE APPOINTMENT ORDER DATED 30-06-2012 PERTAINING TO THE 4TH PETITIONER.
- EXT.P7 - TRUE COPY OF THE G.O(MS)NO.76/2013/G.EDN DATED 23-02-2013.
- EXT.P8 - TRUE COPY OF THE JUDGMENT DATED 19-09-2014 IN WP(C).NO. 20849/2013.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.35220 of 2014

Dated this the 25th day of March, 2015

JUDGMENT

Petitioners are presently working as Higher Secondary School Teachers (HSSTs). The petitioners were appointed consequent upon sanctioning additional batches. However, the petitioners approval was granted only with effect from the sanctioning of the posts. The petitioners submit that by Ext.P7 order that posts were sanctioned. However, no approval has been given with effect from the date of appointment. The petitioners rely on the judgment of this Court in W.P.(C) No.20849/2013, which is produced as Ext.P8. In Ext.P8, this Court held that Ext.P7 Government Order cannot run prospectively and it has a retrospective effect from the date of sanctioning additional batch.

In the light of Exts.P7 and P8, the petitioners approval shall be considered by the third respondent within a period of six weeks. If the petitioners' appointment were regular and in order, the petitioners shall be approved with effect from the date of appointment and shall be given all arrears of salary within three months from the date of approval. The petitioners shall be heard in this matter before taking a decision. The decision in regard to the approval shall be taken within a period of six weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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