

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 36020 of 2015 (B)

PETITIONER:

**SUMITHA BINDU AGED 42 YEARS
HSST ECONOMICS (SENIOR HIGHER GRADE)
JAYAKERALAM HIGHER SECONDARY SCHOOL,
PULLUVAZHY, PERUMBAVOOR, ERNAKULAM - 683 541**

**BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS
DR.THUSHARA JAMES**

RESPONDENTS:

- 1. THE PRINCIPAL,
JAYAKERALAM HIGHER SECONDARY SCHOOL
PULLUVAZHY, PERUMBAVOOR, ERNAKULAM 683 541**
- 2. THE REGIONAL DEPUTY DIRECTOR,
RDD OFFICE, EDAPPALLY, ERNAKULAM 682 024.**

BY GOVERNMENT PLEADER SMT. M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF THE APPLICATION FOR LEAVE SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 30.10.2015**
- P2 : TRUE COPY OF LETTER ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 12.11.2015 REJECTING THE APPLICATION OF THE PETITIONER**
- P3 : TRUE COPY OF THE APPEAL DATED 13.11.2015 BEFORE THE 2ND RESPONDENT**
- P4 : TRUE COPY OF THE DECISION REPORTED IN 2015 (1) KHC 165**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 36020 of 2015 (B)

Dated this the 27th day of November, 2015

J U D G M E N T

The petitioner is concerned with Ext.P3 appeal pending before the 2nd respondent.

2. The petitioner had sought for Maternity Leave on the ground of she having resorted to the procedure of surrogacy for begetting her own biological child. The petitioners application was rejected by Ext.P2. Ext.P3 is the appeal submitted before the 2nd respondent. The petitioner contends that the issue is covered by the judgment in **Geetha P. v. Kerala Livestock Development Board Ltd., Thiruvananthapuram and another - 2015 (1) KHC 165.**

3. In such circumstance, the 2nd respondent shall consider the appeal in the light of the afore cited judgment and issue orders in accordance with the declaration in the judgment. The petitioner shall appear before the 2nd respondent on **02.12.2015** or within a week thereafter, the date of which should be intimated to the petitioner personally and acknowledgment received on 02.12.2015. The matter shall be heard and disposed of within one week from the date of hearing.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE