IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 03RD DAY OF DECEMBER 2020 / 12TH AGRAHAYANA, 1942

WP(C).No.18585 OF 2020(W)

PETITIONER:

K. S. GEETHA KUMARI,
AGED 55 YEARS,
PRESENTLY WORKING AS CRC COORDINATOR,
SAMAGRA SHIKSHA KERALA,
O/O. BLOCK PROJECT COORDINATOR,
THIRUVANANTHAPURAM SOUTH - 695 023 AND
W/O. SHRI. G. VALLABHADASA KURUP,
R/O. TC. 18/888(2), SREE GEETH,
KUNNAPPUZHA, NR. SASTHA TEMPLE ROAD,
P. O. ARAMADA, THIRUVANANTHAPURAM - 695 032,
(M): 9446360663.

BY ADVS.
SRI. K. P. S SURESH
SMT. REENA SHARON SURESH

RESPONDENTS:

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

2 **THE DIRECTOR OF GENERAL EDUCATION,**
O/O. THE D.G.- GENERAL EDUCATION,
JAGATHY P. O,
PIN - 695 014.

3 **THE DIRECTOR,**
SAMAGRA SHIKSHA KERALA,
SSA BHAWAN,
NANDAVANAM,
THIRUVANANTHAPURAM - 695 033.

4 **THE DISTRICT EDUCATION OFFICER,**
G. P. O LANE, STATUE,
OPP. SECRETARIAT,
THIRUVANANTHAPURAM,
PIN - 695 001.

5 THE BLOCK PROJECT COORDINATOR,
SAMAGRA SHIKSHA KERALA,
URBAN RESOURCE CENTRE,
THIRUVANANTHAPURAM SOUTH,
SATHRAM SCHOOL COMPOUND,
THIRUVANANTHAPURAM - 695 023.

SRI. P. M. MANOJ, SR GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 3rd day of December 2020

This writ petition is filed seeking the following reliefs:-

> *"i. To call for the records leading to issuance of the orders in Ext.P6 and to order extending the similar benefits to the petitioner, so that petitioner gets:*
>
> *a) protection of last drawn pay in the aided school on joining the Sarva Shiksha Abhiyan (now known as Samagra Shiksha Kerala) on 25-06-2012*
>
> *b) subsequent benefits like increment, time bound higher grades etc. from 25-06-2012*
>
> *c) and regularisation of period spent without any assignment after the retrenchment to the entry into new service on 25-06-2012.*
>
> *d) Counting of past services rendered with aided school as qualifying service for determining retirement benefits.*

Alternatively,

> *The Respondents 1 to 3 may kindly be directed to dispose the representation dated 06-03-2020 submitted by the petitioner in a time bound manner after granting a personal hearing.*

ii) Grant such other relief that is prayed for and is deemed just and proper to grant in the interests of justice.

iii) Award the entire cost of the petitioner."

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the petitioner who is a protected teacher was deployed pursuant to division fall. It is submitted that she is entitled to count the prior service put in by her and protection of the service benefits consequent to the reduction of posts. It is submitted that the petitioner has approached the Government with Ext.P7 representation. An order passed by the Government in the case of the similarly situated teacher is produced as Ext.P6. It is submitted that the petitioner is also entitled to the benefits as has been granted to the teacher covered by Ext.P6 order.

4. The learned Government Pleader submits that the representation submitted by the petitioner shall be considered by the Government in accordance with law.

Accordingly, there will be a direction to the 1st respondent to take up, consider and pass appropriate orders on Ext.P7 representation preferred by the petitioner with notice to the petitioner as well. Ext.P6 order and the findings therein shall also be taken note of while passing orders on Ext.P7. Appropriate orders shall be passed within a period of three months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

Sd/-

ANU SIVARAMAN
JUDGE

SPR

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	THE SUMMARY OF PETITIONER'S SERVICES CAN BE SEEN FROM THE PAY FIXATION ORDER VIDE NO.B5/3833/19/K. D IS DATED 16.07.2019.
EXHIBIT P2	TRUE COPY OF THE ORDER NO. GO(MS) NO.177/2012/G.EDN DATED 05-06-2012 REGARDING RE-DEPLOYMENT OF RETRENCHED TEACHERS FROM AIDED SECTOR.
EXHIBIT P2 (a)	TRUE COPY OF THE ORDER NO. SSA(1)/1380/2012 DPO/TVPM DATED 25.06.2012 REGARDING RE-DEPLOYMENT OF RETRENCHED TEACHERS FROM AIDED SECTOR.
EXHIBIT P2 (b)	TRUE COPY OF ORDER NO. B4/8977/12 DATED 19.06.2012 REGARDING REDEPLOYMENT OF RETRENCHED TEACHERS.
EXHIBIT P2(c)	TRUE COPY OF THE JOINING REPORT OF THE PETITIONER ON REDEPLOYMENT AS CLUSTER COORDINATOR DATED 25.06.2012.
EXHIBIT P3	TRUE COPY OF GOVERNMENT ORDER VIDE NO.G.O (കൈ) NO.119/2018/GED DATED 23.08.2018.
EXHIBIT P4	TRUE COPY OF THE CIRCULAR VIDE NO.J2/48/18/GENL. EDN. DEPT. ON 24.10.2018 REGARDING REGULARISATION OF RETRENCHED PERIOD ETC.
EXHIBIT P5	TRUE COPY OF THE HON'BLE HIGH COURT OF KERALA ORDER DATED 15.02.2018 IN W.P.(C) 5077/2018.
EXHIBIT P6	TRUE COPY OF THE ORDER സഉ(സാധാ) നം./2018/പൊ.വി.വി. DATED 13.06.2018 CONTAINED IN FILE NO.GEDN - S2/66/2018-G.EDN & GO(RT) NO.2193/2018/GEDN.

EXHIBIT P7	**TRUE COPY OF THE REPRESENTATION DATED 06.03.2020 SUBMITTED BY THE PETITIONER PRAYING FOR EXTENSION OF SIMILAR BENEFITS AS IN EXT. P6.**
EXHIBIT P7 (a)	**TRUE COPY OF THE FORWARDING LETTER IN FILE NO.GEDN - H1/60/2020-G. EDN. DATED 11.03.2020.**

RESPONDENT'S/S EXHIBITS: **NIL.**