IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

WP(C).No.27250 OF 2020(E)

PETITIONER:

**BIJU E.T., AGED 42 YEARS, SON OF KUNHIRAMAN,
UPPER PRIMARY SCHOOL ASSISTANT, NADAKKUTHAZHA
M U P SCHOOL, VADAKARA-673104, KOZHIKODE DIST.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENTS:

1. **THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE II, THIRUVANANTHAPURAM-695001.**
2. **THE DIRECTOR OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM-695014.**
3. **THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE-673001.**
4. **THE DISTRICT EDUCATIONAL OFFICER, VADAKARA, KOZHIKODE DISTRICT-673104.**
5. **THE ASSISTANT EDUCATIONAL OFFICER, VADAKARA, KOZHIKODE DISTRICT-673104.**
6. **THE MANAGER, NADAKKUTHAZHA M U P SCHOOL, VADAKARA-673104, KOZHIKODE DISTRICT.**
7. **THE HEADMASTER, NADAKKUTHAZHA M U P SCHOOL, VADAKARA-673104, KOZHIKODE DISTRICT.**

BY SRI. UNNIKRISHNA KAIMAL - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 8th day of December 2020

The petitioner, who is stated to be working as an Upper Primary School Assistant in Nadakkuthazha M U P School, Vadakara, Kozhikode, managed by the sixth respondent, has approached this Court impugning Exhibits P6 and P8 and for a direction to the respondents to continue to pay salary to him so long as the post to which he was appointed is available and the approval is in force.

2. The petitioner, however, concedes that he has already preferred Exhibit P10 statutory Revision, under the provisions of Rule 8A Chapter XIVA of the Kerala Education Rules, before the second respondent and alternatively prays that same be directed to be taken up and disposed of at the earliest.

3. The learned Government Pleader submitted that there is no legal impediment in Exhibit P10 Revision being taken up and disposed of; but prayed that this Court may not make any affirmative declarations as to the entitlement of the petitioner to any relief and leave it to the competent Authority to take a decision on it in terms of law.

In the afore circumstances, I order this writ petition and direct the second respondent to take up Exhibit P10 Revision filed by the petitioner and to dispose of the same, after affording an opportunity of being heard to him as also the Manager of the School - either physically or through video conferencing – thus culminating in an appropriate decision thereon, as expeditiously as possible, but not later than three months from the date of receipt of a copy of this judgment.

Needless to say, until the afore exercise is completed and the resultant order communicated to the petitioner, he shall be paid the salary so long as the post in which he was appointed is available and approval is in force.

Sd/-
Devan Ramachandran, Judge

tkv

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 01.06.2015 AND APPROVAL THEREON.**
EXHIBIT P2	**TRUE COPY OF THE STAFF FIXATION ORDER NO.D.DIS.C/3014/2016 DATED 31.03.2016 OF THE AEO, VADAKARA.**
EXHIBIT P3	**TRUE COPY OF THE ORDER NO.B/523/17(3) DATED 07.03.2017 OF THE AEO.**
EXHIBIT P4	**TRUE COPY OF THE ORDER NO.C/3080/2017/ K.DIS. DATED 19.10.2017 OF THE AEO, VADAKARA.**
EXHIBIT P5	**TRUE COPY OF THE ORDER NO.K.DIS.C/3060/ 2017 DATED 27.09.2017 OF THE AEO, VADAKARA.**
EXHIBIT P6	**TRUE COPY OF THE RELEVANT PAGE OF THE AUDIT OBJECTION DATED 19.10.2017.**
EXHIBIT P7	**TRUE COPY OF THE REPLY OF THE PETITIONER.**
EXHIBIT P8	**TRUE COPY OF THE LETTER NO.C/330/20 DATED 03.11.2020 OF THE AEO.**
EXHIBIT P9	**TRUE COPY OF THE STAFF STATEMENT AS ON 01.06.2015.**
EXHIBIT P10	**TRUE COPY OF THE REVISION PETITION FILED BEFORE THE 2ND RESPONDENT DATED 30.11.2020.**
EXHIBIT P11	**TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 30727/2017 DATED 03.10.2017.**
EXHIBIT P12	**TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 37343/2017 DATED 18.12.2017.**
EXHIBIT P13	**TRUE COPY OF THE JUDGMENT IN W.P.(C)NO. 22304/2018 DATED 04.07.2018.**

/true copy/

P.S. TO JUDGE