IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 16TH DAY OF DECEMBER 2020 / 25TH AGRAHAYANA, 1942

WP(C).No.28133 OF 2020(N)

PETITIONERS:

1 **BINDU R.G., AGED 50 YEARS, WIFE OF ANIL KUMAR.N.S., HIGHER SECONDARY ASSISTANT (PHYSICAL SCIENCE), AMRITA SANSKRIT HIGHER SECONDARY SCHOOL, P.O.PARIPALLY, KOLLAM DISTRICT-691 574.**

2 **LAKSHMI.L., AGED 40 YEARS, WIFE OF P.K.RAJESH, HIGHER SECONDARY ASSISTANT (MATHS), AMRITA SANSKRIT HIGHER SECONDARY SCHOOL, P.O.PARIPALLY, KOLLAM DISTRICT-691 574.**

3 **ALILA.P.S., AGED 41 YEARS, WIFE OF UNNIKRISHNAN NAIR, HIGHER SECONDARY ASSISTANT (ENGLISH), AMRITA SANSKRIT HIGHER SECONDARY SCHOOL, P.O.PARIPALLY, KOLLAM DISTRICT-691 574.**

The Designation of petitioners 1 and 2 shown as Higher Secondary Assistant is corrected as High School Assistant vide order dated 13.01.2021 in IA 01/2021

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 ANNEX II, THIRUVANANTHAPURAM-695 001.**

2 **THE DIRECTOR OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM-695 014.**

3 **THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM-691 013.**

**4 THE DISTRICT EDUCATIONAL OFFICER,
KOLLAM-691 013.**

**5 THE MANAGER, AMRITA SANSKRIT HIGHER SECONDARY
SCHOOL, P.O.PARIPALLY, KOLLAM DISTRICT-691 574.**

**6 THE HEADMASTER, AMRITA SANSKRIT HIGHER SECONDARY
SCHOOL, P.O.PARIPALLY, KOLLAM DISTRICT-691 574.**

BY SMT. NISHA BOSE - SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 16th day of December 2020

The petitioners say that they were appointed against additional division vacancies during a period when there was a ban of appointments, as ordered by the Government and that since the Manager did not execute a bond in terms of G.O.(P) No.10/10/G.Edn. Dated 12.01.2010, they were approved only by including them in the 'Teachers Package' subsequently.

2. The petitioners say that even though the Government Order aforementioned mandated the Manager to execute the required undertaking to appoint equal number of teachers in the ensuing vacancies, he had not done so and therefore, that their approval from the date of their initial appointment is now being held up. They say that they have, therefore, preferred Exhibit P10 statutory Revision before the first respondent State of Kerala, invoking the provisions of Rule 92 Chapter XIVA of the Kerala Education Rules and pray that same be directed to be considered, particularly because the amendment that was made by the Government in the year 2014 to the

KER has been set aside by this Court and consequently, that the Government is obligated to consider the approval of appointment of teachers effected during the ban period with effect from their initial date of appointments.

3. In response, the learned Senior 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 competent Secretary of the first 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 them 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, while the afore exercise is completed by the competent Secretary of the Government, he will be at full liberty to deem that the Manager has executed a bond, subject to his version, in terms of G.O.(P)No.10/10/G.Edn. dated 12.01.2010.

Sd/-
Devan Ramachandran, Judge

tkv

The Designation of the 3rd Petitioner presently shown as 'Higher Secondary Assistant' in the judgment dated 16.12.2020 in WP(C) 28133/2020(N) is corrected as “High School Assistant” as per order darted 13.01.2021 in I.A.01/2021 in WP(C) 28133/2020 N.

Sd/- Assistant Registrar

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER DATED 01.11.1999.**
EXHIBIT P2	**TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER DATED 01.06.2010.**
EXHIBIT P3	**TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER DATED 04.06.2004.**
EXHIBIT P4	**TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER DATED 01.06.2010.**
EXHIBIT P5	**TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED 05.06.2004.**
EXHIBIT P6	**TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED 01.06.2010.**
EXHIBIT P7	**TRUE COPY OF THE JUDGMENT IN WA NO.2290/2015 DATED 25.07.2017.**
EXHIBIT P8	**TRUE COPY OF THE JUDGMENT IN WA NO.2091/18 DATED 28.06.2019.**
EXHIBIT P9	**TRUE COPY OF THE GO(RT)NO.4477/17/G.EDN DATED 21.11.2017.**
EXHIBIT P10	**TRUE COPY OF THE CONSOLIDATED REVISION PETITION SUBMITTED BY THE PETITIONERS DATED 12.11.2020.**
EXHIBIT P11	**TUE COPY OF THE STAFF FIXATION ORDER FOR 2010-11 DATED 03.02.2011.**
EXHIBIT P12	**TRUE COPY OF THE JUDGMENT IN WPC NO.9580/2019 DATED 09.04.2019.**

EXHIBIT P13	**TRUE COPY OF THE GO(RT)NO.502/2020/G.EDN DATED 25.01.2020.**
EXHIBIT P14	**TRUE COPY OF THE GO(RT)NO.45/2020/G.EDN DATED 03.01.2020.**

/TRUE COPY/

P.S. TO JUDGE