IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA, 1942

WP(C).No.28497 OF 2020(J)

PETITIONER:

P.PADMAJA DEVI
AGED 49 YEARS
WIFE OF T.P. RAJENDRAN,
UPPER PRIMARY SCHOOL TEACHER,
SREE NARAYANA MEMORIAL VOCATIONAL
HIGHER SECONDARY SCHOOL, VANNAPURAM,
VIA THODUPUZHA, IDUKKI DISTRICT.

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-695 001

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

3 **THE DEPUTY DIRECTOR OF EDUCATION**
IDUKKI AT THODUPUZHA-685 584.

4 **THE DISTRICT EDUCATIONAL OFFICER,**
THODUPUZHA-685 584, IDUKKI DISTRICT.

5 **THE MANAGER,**
SREE NARAYANA MEMORIAL VOCATIONAL HIGHER SECONDARY SCHOOL, VANNAPPURAM, (VIA) THODUPUZHA, IDUKKI DISTRICT-685 582.

6 **THE PRINCIPAL**
SREE NARAYANA MEMORIAL VOCATIONAL HIGHER SECONDARY SCHOOL, VANNAPPURAM , (VIA) THODUPUZHA, IDUKKI DISTRICT-685 582

7 **SMT. K. BINDU,**
UPPER PRIMARY SCHOOL TEACHER,
SREE NARAYANA MEMORIAL VOCATIONAL HIGHER SECONDARY

SCHOOL, VANNAPPURAM, (VIA), THODUPUZHA,
IDUKKI DISTRICT-685 582

8 SMT. A. SANGEETHA,
UPPER PRIMARY SCHOOL TEACHER, SREE NARAYANA
MEMORIAL VOCATIONAL HIGHER SECONDARY SCHOOL,
VANNAPPURAM, (VIA), THODUPUZHA, IDUKKI DISTRICT
-685 582

9 SMT. BINDU PAUL,
UPPER PRIMARY SCHOOL TEACHER, SREE NARAYANA
MEMORIAL VOCATIONAL HIGHER SECONDARY SCHOOL,
VANNAPPURAM, (VIA), THODUPUZHA,
IDUKKI DISTRICT-685 582.

BY ADV.
SMT. NISHA BOSE - SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court stating that she is working as an Upper Primary School Teacher in the Sree Narayana Memorial Vocational Higher Secondary School, Vannappuram, Idukki - of which the 5th respondent is the Manager - seeking that she be included in the 'Teachers Package', leading to the disbursement of her salary from 15.07.2008, because respondents 7 to 9, who are her juniors, have been granted this benefit long ago.

2. The petitioner says that, in fact, her afore claim is now pending before the 4th respondent – District Educational officer (DEO), who has now addressed the Government through Ext.P13 seeking certain clarifications. The petitioner, therefore, prays that before the Government takes a decision on Ext.P13, she also be given an opportunity of being heard.

3. In response to the submissions of Shri.M.Sajjad - the learned counsel for the petitioner as afore, the learned Senior Government Pleader - Smt.Nisha Bose, submitted that there is no legal impediment in the petitioner also being heard when a

decision is taken by the Government on Ext.P13 clarifications sought by the DEO. She, however, prayed that this Court may not make any affirmative declarations in favour of the petitioner and allow the Government to take a decision thereon, as per law.

Taking note of the afore submissions, I order this writ petition and direct the Government to hear the petitioner – either physically or through video conferencing - before a final decision is taken on Ext.P13.

The afore exercise shall be completed by the Government, as expeditiously as is possible, but not later than two months from the date of receipt of a copy of this judgment.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

VPK

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 05.06.2006.**
EXHIBIT P2	**TRUE COPY OF THE G.O(RT) NO. 3147/12/G.EDN. DATED 04.07.2012 OF THE GOVERNMENT.**
EXHIBIT P3	**TRUE COPY OF THE G.O(RT) NO. 5597/2015/G.EDN. DATED 26.11.2015 OF THE GOVERNMENT.**
EXHIBIT P4	**TRUE COPY OF THE JUDGMENT IN W.P.C NO. 36799/2015 DATED 12.12.2018.**
EXHIBIT P4A	**TRUE COPY OF THE INTERIM ORDER IN W.P.C NO. 36799/2015 DATED 21.11.2018.**
EXHIBIT P5	**TRUE COPY OF THE G.O(RT) NO. 1750/2019/G.EDN. DATED 17.06.2019 OF THE GOVERNMENT.**
EXHIBIT P5 A	**TRUE COPY OF THE ORDER NO. B2/1121/2019(2)/K.DIS DATED 06.06.2019 OF THE DEO.**
EXHIBIT P6	**TRUE COPY OF THE INTERIM ORDER IN W.PC NO. 22844/2009-A DATED 11.08.2009.**
EXHIBIT P6A	**TRUE COPY OF THE INTERM ORDER IN I.A NO. 17589/2015 IN W.P.C NO. 36799/2015 DATED 04.12.2015.**
EXHIBIT P7	**TRUE COPY OF THE PETITION MOVED BEFORE THE DEO DATED 22.07.2019.**
EXHIBIT P7A	**TRUE COPY OF THE PETITION MOVED BEFORE THE DDE DATED 22.07.2019.**
EXHIBIT P7B	**TRUE COPY OF THE PETITION MOVED BEFORE THE 2ND RESPONDENT DATED 22.07.2019.**
EXHIBIT P7C	**TRUE COPY OF THE PETITION MOVED BEFORE THE GOVERNMENT DATED 22.07.2019.**
EXHIBIT P8	**TRUE COPY OF THE APPOINTMENT ORDER OF SMT. BINDU K DATED 05.06.2006.**
EXHIBIT P8A	**TRUE COPY OF THE APPOINTMENT ORDER OF SMT.**

	SANGEETHA A DATED 05.06.2006.
EXHIBIT P8B	TRUE COPY OF THE APPOINTMENT ORDER OF SMT. BINDU PAUL DATED 04.06.2007.
EXHIBIT P8C	TRUE COPY OF THE STAFF LIST OF THE SCHOOL AS ON 2006 - 2007.
EXHIBIT P9	TRUE COPY OF THE JUDGMENT IN W.P.C NO. 22292/2019-J DATED 16.08.2019.
EXHIBIT P10	TRUE COPY OF THE G.O(RT) NO. 2389/2020/G.EDN. DATED 05.08.2020 OF THE GOVERNMENT.
EXHIBIT P11	TRUE COPY OF THE JUDGMENT IN W.P.C NO. 18814/2020-B DATED 25.09.2020.
EXHIBIT P12	TRUE COPY OF THE HEARING NOTE SUBMITTED BY THE PETITIONER DATED 22.10.2020.
EXHIBIT P13	TRUE COPY OF THE LETTER NO. B2/4721/2019 OF THE DEO DATED 15.07.2020.
EXHIBIT P14	TRUE COPY OF THE LETTER NO. H/36986/2018/DPI DATED 08.08.2016 OF THE 2ND RESPONDENT.