IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 11738 OF 2025

PETITIONER:

MATHEW M. MATHEW
AGED 59 YEARS
S/O. MATHEW, RETIRED PRINCIPAL,
ST. SEBASTIAN'S HIGHER SECONDARY SCHOOL,
VAZHITHALA, THODUPUZHA, IDUKKI DISTRICT,
RESIDING AT MARIYIL HOUSE, VAZHAKULAM P.O.,
ERNAKULAM DISTRICT, PIN - 686670

BY ADVS.
PAULSON THOMAS
S.ANJUSHA

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, ANNEX. II,
THIRUVANANTHAPURAM, PIN - 695001

2 **THE DIRECTOR OF GENERAL EDUCATION**
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA, JAGATHY,
THIRUVANANTHAPURAM, PIN - 695005

3 **REGIONAL DEPUTY DIRECTOR**
HIGHER SECONDARY EDUCATION, KOTTAYAM,
OFFICE OF THE RDD, KOTTAYAM, PIN - 686019

**4 THE ACCOUNTANT GENERAL (A&E)
OFFICE OF THE ACCOUNT GENERAL,
THIRUVANANTHAPURAM, PIN - 695001**

BY ADV.

SRI. V. VENUGOPAL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 27th day of March, 2025

The petitioner retired as Principal of St. Sebastian's H.S.S., Vazhithala, an Aided Higher Secondary School managed by the Corporate Educational Agency. The grievance of the petitioner is in respect of the objection made by the Accountant General while processing the pension papers of the petitioner that Ext.P2 fixation of pay is not in order.

2. In Ext.P2, fixation was sanctioned by the Regional Deputy Director in 2018 in tune with the directions issued by the Government in Ext.P1 order. In Ext.P1 order, the Government directed to sanction notional fixation of pay to Higher Secondary School Principals on completion of 15 years of service in the post of HSST. Such an order was

issued to avoid anomalous situation in which the Teachers, who are having lesser service are drawing a higher pay. Higher Secondary School Teachers, who were sanctioned with 15 years Higher Grade and then became Principals were drawing a higher pay in the post of Principal than their counterparts who are having more service, but promoted to the post of Principal without getting 15 years grade in the lower post of HSST.

3. However, it is to be noted that even in the absence of an order like Ext.P8 issued in respect of High School Headmasters, the beneficiaries of Ext.P1 order are entitled to re-fixation and protection of increment date. Therefore, even though an order like Ext.P8 issued in respect of High School Headmasters, the petitioner is entitled to make fixation of pay as done in Ext.P2 by protecting the increment date in the lower post. There is no reason for the Government in excluding the Higher Secondary School Principals from

protecting the increment date. In the case of the petitioner, unless Ext.P2 fixation is held as valid, the very purpose of issuing Ext.P1 order will be frustrated. Hence, the petitioner is before this Court.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

5. From the pleadings, I find that as against Exts.P4 and P5 orders, the petitioner has preferred Ext.P7 representation before the 1st respondent. In the facts of the case, it would be only appropriate that the 1st respondent considers Ext.P7 representation and passes appropriate orders thereon in accordance with law.

The writ petition is therefore disposed of directing the 1st respondent to consider Ext.P7 representation and pass appropriate orders thereon, within a period of four months, after giving opportunity of hearing to the petitioner. Till a

decision is taken on Ext.P7, coercive proceedings pursuant to Exts.P4 and P5 shall stand deferred.

Sd/-

N.NAGARESH

JUDGE

spk

APPENDIX OF WP(C) 11738/2025

PETITIONER EXHIBITS

Exhibit-P1	**TRUE COPY OF G.O.(P) NO. 1/2018(92)FIN DATED 01/01/2018.**
Exhibit-P2	**TRUE COPY OF ORDER NO. A3/1461/RDD/KTM/2018 DATED 10/05/2018 ISSUED BY THE 3RD RESPONDENT.**
Exhibit-P3	**TRUE COPY OF THE VERIFICATION REPORT WITH NO. PR21922195218 DATED 23/06/2022 ISSUED BY THE ACCOUNTANT GENERAL.**
Exhibit-P4	**TRUE COPY OF THE LETTER NO. B5/5709/2022/RDD/HSE/KTM DATED 01/12/2022, ISSUED BY THE 3RD RESPONDENT.**
Exhibit-P5	**TRUE COPY OF COMMUNICATION WITH NO. ACD.B1/8964/2024/HSE DATED 06/07/2024 ISSUED BY THE 2ND RESPONDENT.**
Exhibit-P6	**TRUE COPY OF STATEMENT OF FIXATION OF PAY ON PROMOTION AS PRINCIPAL FROM THE POST OF HSST ON SANCTIONING SELECTION GRADE (NOTIONAL) PREPARED BY THE PETITIONER.**
Exhibit-P7	**TRUE COPY OF THE REPRESENTATION DATED 20/02/2025 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
Exhibit-P8	**TRUE COPY OF G.O.(P) NO. 20/2022/FIN DATED 17/02/2022.**
Exhibit-P9	**TRUE COPY OF G.O.(P) NO. 66/2019/ FIN. DATED 10-06-2019.**