

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF SEPTEMBER 2019 / 4TH ASWINA,
1941

WP (C) .No.673 OF 2015 (H)

PETITIONER:

GEETHA.D
AGED 44 YEARS
W/O.GOPINATHA.P., H.S.A. (SANSKRIT) ,
RAMANATTUKARA HIGH SCHOOL,
P.O.VYDIARANGADI, RAMANATTUKARA, MALAPPURAM-673
633, RESIDING AT KOORALIL HOUSE, KEEZHILLAM
P.O., KUNNATHUNADU, ERNAKULAM-683 544.

BY ADV. SRI.P.NANDAKUMAR

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (J) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRIVANANTHAPURAM-695 014.
- 3 DEPUTY DIRECTOR OF EDUCATION
DOWN HILL, MALAPPURAM-676519.
- 4 THE DISTRICT EDUCATIONAL OFFICER
CIVIL STATION, MALAPPURAM-676 505.

..2..

5 THE MANAGER
 RAMANATTUKARA HIGH SCHOOL, VAIDYARANGADI
 P.O., MALAPPURAM-673 633.

R1, R3 BY GOVERNMENT PLEADER
R1, R5 BY ADV. SRI.R.K.MURALEEDHARAN

SMT MARY BEENA JOSEPH SRGP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26.09.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner was initially appointed as a Part Time Sanskrit teacher. From 15.07.2007 onwards petitioner was promoted as a full time teacher. There were sufficient periods available to sanction full time post. However, this was not sanctioned due to ban.

2. Thereafter, on lifting the ban petitioner would claim for approval from 15.07.2007. Since, the manager had not executed bond in terms of G.O.(P)No.10/10/GI Edn dated 12.01.2010, the approval was not granted. It is now submitted that the manager had also executed a bond.

3. In Para 6 of the counter affidavit it is stated as follows:

“It is submitted that, the decision taken as per Exhibit P8 in the light of GO(P) 199/2011/GE dn dated 01.10.2011. The 5th respondent failed to execute a bond insisted as per GO(P)10/10/GE dn dated 12.01.2010. If such a bond was executed in time, the appointment ought to have been approved from the date of promotion ie, 15.07.2007. It is a fact that a full time post of HSA (sanskrit) was sanctioned with effect from 15.07.2007, even though the petitioner is a Rule 43 claimant as per Chapter XIV A KER,”

4. The approval for full time post was given only w.e.f 01.06.2011. In the light of fact that the manager had executed a bond, necessarily, approval shall be given to the petitioner w.e.f 15.07.2007. If the manager had not executed the bond, deeming that the manager had executed the bond, approval shall be given from the aforesaid date. Needful shall done for the approval within a period of two months. The monetary benefits consequent upon approval shall also be released within a further period of two months.

The Writ Petition is disposed as above.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

PR

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	COPY OF G.O.DATED 17.8.2005 ISSUED BY THE 1ST RESPONDENT
EXHIBIT P2	COPY OF THE ORDER DATED 26.11.2008 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P3	COPY OF THE ORDER DATED 31.03.2010 ISSUED BY THE 4TH RESPONDENT.
EXHIBIT P4	COPY OF LETTER DATED 18.9.2010 ISSUED BY THE 5TH RESPONDENT.
EXHIBIT P5	COPY OF APPEAL DATED 21.5.2012 SUBMITTED BEFORE THE 2ND RESPONDENT.
EXHIBIT P6	COPY OF THE ORDER DATED 10.7.2012 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P7	COPY OF THE REVISION PETITION DATED 27.7.2012 SUBMITTED BEFORE THE 1ST RESPONDENT.
EXHIBIT P8	COPY OF THE ORDER DATED 31.7.2014 ISSUED BY THE 1ST RESPONDENT.