

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 28TH DAY OF NOVEMBER 2017/7TH AGRAHAYANA, 1939

WP(C).No. 35724 of 2017 (M)

PETITIONER(S):

1. ABDU RASHEED. V.P.,
S/O.ABOOBACKER V.P., AGED 52 YEARS,
HEADMASTER, AMLP SCHOOL, UGRAPURAM,
AREACODE, MALAPPURAM DISTRICT.
2. RATNAKARAN K.,
S/O.NARAYANAN NAIR K., AGED 50 YEARS,
HEADMASTER, ALP SCHOOL, NORTH KOZHAKKOLTUR,
AREACODE (P.O), MALAPPURAM DISTRICT.
3. DEVAKI KOLAKKADAN,
D/O.AYYAPPAN KOLAKKADAN, AGED 52 YEARS,
HEADMISTRESS, M.J.M.A.M.L.P.SCHOOL, PALLIMUKKU,
PANNIPPURA P.O., EDAVANNA VIA, AREACODE,
MALAPPURAM DISTRICT.

BY ADVS.SRI.K.T.SHYAMKUMAR
SRI.A.G.PRASANTH

RESPONDENT(S):

1. STATE OF KERALA,
REP. BY SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
2. ASSISTANT EDUCATION OFFICER, AREACODE,
MALAPPURAM DISTRICT, PIN-670028.

BY SENIOR GOVERNMENT PLEADER SMT.NISHA BOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-11-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

TS

WP(C).No. 35724 of 2017 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF GO(P) NO.242/2009/129/FIN DATED 26.6.2009.**
- EXHIBIT P2 TRUE COPY OF THE GO(P) NO.145/2006 DATED 25.03.2006.**
- EXHIBIT P3 TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.34575/2010
DATED 5.7.2011.**
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT DATED 5.7.2016 IN
W.A.NO.1519/2012 AND CONNECTED CASES.**
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 30.6.2017 ISSUED BY THE 1ST
RESPONDENT.**
- EXHIBIT P6 TRUE COPY OF THE JUDGMENT IN WP(C) 19514/2017
DATED 21.7.2017.**

RESPONDENT(S)' EXHIBITS- NIL

/TRUE COPY/

P.S TO JUDGE

TS

P.V.ASHA, J.

W.P.(C) No.35724 of 2017

Dated this the 28th day of November, 2017

JUDGMENT

Petitioners are Headmasters who are denied higher grades on the ground that they did not complete requisite number of years of service after getting Headmasters' scale.

2. The petitioners were promoted as Headmasters on 7.12.1989, 7.1.1993 and 4.10.1994 respectively. In accordance with pay revision orders issued in G.O(P) No.3000/98/Fin dated 25.11.2008 and in accordance with Ext.P2 petitioners are entitled to first higher grade on completion of 10 years of service as Headmasters and thereafter for the 2nd higher grade on completion of 20 years of service as Headmasters.

3. It is well settled by way of judgments in Exts.P4 and P6 in W.A.No.1519 of 2012 and WP(C) No.19514 OF 2017 that grant of higher grades are governed by respective pay revision orders issued from time to time and it does not have any relevance to the Headmasters' scale which is governed by rule 1 of Chapter XXVI of KER.

In the above circumstances, denial of higher grades to petitioners is illegal. Accordingly there shall be a direction to the 2nd respondent to sanction the first higher grade to the petitioners with

effect from the date on which they completed ten years of service as Headmasters and second higher grade with effect from the date on which they completed 20 years of service as Headmasters and to grant them all consequential benefits after fixing their pay within a period of three months from the date of receipt of a copy of the judgment.

rkc

Sd/-
P.V.ASHA
JUDGE