

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 18TH DAY OF DECEMBER 2020 / 27TH AGRAHAYANA, 1942

WP(C).No.36925 OF 2017(M)

PETITIONER:

K.K.SALINI

WIFE OF VINOD CHANDRAN, AGED 38 YEARS, UPPER PRIMARY
SCHOOL ASSISTANT, V L N M U P SCHOOL,
VILAYANCHATHANUR, KUZHALMANNAM, PALAKKAD 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,
THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM-695014.
- 3 THE DEPUTY DIRECTOR OF EDUCATION
PALAKKAD DISTRICT-678001.
- 4 THE ASSISTANT EDUCATIONAL OFFICER
KUZHALMANNAM, PALAKKAD DISTRICT-678702.
- 5 THE MANAGER
V L N M U P SCHOOL, VILAYANCHATHANUR, KUZHALMANNAM,
PALAKKAD DISTRICT-678702.

R1 BY GOVERNMENT PLEADER

OTHER PRESENT:

SR GP P.M. MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed seeking the following prayers:-

“(i) call for the records relating to Exhibit P1 and set aside the original of the same so far as it approves the appointment only from a letter date i.e.01.06.2011 by the issue of a writ of certiorari or other appropriate writ or order.

(ii) issue a writ of mandamus or other appropriate writ order or direction commanding the respondents to grant approval to the petitioner from 14.06.2006 onwards in pay scale forthwith and disburse the attendant benefits expeditiously.

(iii) declare that the petitioner is entitled to get the benefits flowing from Exhibits P5, P6, P7 and P9 judgments.

(iv) issue a writ of mandamus or other appropriate writ order or direction commanding the 1st respondent to effectively consider and pass appropriate orders upon Exhibit P8 Revision Petition after affording an opportunity of being heard to the petitioner and the Manager within a time limit. “

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the issue raised is covered by several judgments of this Court and that the Educational Authorities had been directed to approve appointments in additional division vacancies from the date of appointments deeming that a bond has been executed by the respective managers.

4. The learned Government Pleader submits that Ext.P8 revision petition is pending before the Government and that the same will be considered and disposed of, in accordance with law, taking note of the judgments relied on by the petitioner as well.

5. In the above view of the matter, there will be a direction to the 1st respondent to take up, consider and pass orders on Ext.P8 revision petition preferred by the petitioner, taking specific note of the judgments directing approval of the appointments by deeming that a bond has been executed in terms of G.O.(P).No.10/10.G.Edn. dated 12.1.2010. Appropriate orders shall be passed, after hearing the

petitioner as well as the Manager, within a period of two months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

Sd/-

ANU SIVARAMAN
JUDGE

Bng/18.12.2020

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 14.06.2006.
EXHIBIT P2	TRUE COPY OF THE ORDER NO.K.DIS. C-1605-2006 DATED 2017 JANUARY OF THE 4TH RESPONDENT.
EXHIBIT P3	TRUE COPY OF THE ORDER NO.K.DIS. B6/1198/07 DATED 26.6.2007 OF THE DEO, PALAKKAD.
EXHIBIT P4	TRUE COPY OF THE ORDER G1-K.DIS.64633/07/DPI DATED 15.10.2017 OF THE 2ND RESPONDENT.
EXHIBIT P5	TRUE COPY OF THE JUDGMENT IN W.P. (C) NO.16337/2009-J DATED 09.07.2010.
EXHIBIT P6	TRUE COPY OF THE JUDGMENT IN W. P. (C) NO.6039/2012-D DATED 18.02.2016.
EXHIBIT P7	TRUE COPY OF THE JUDGMENT IN W.P. (C) NO.2290/2015 DATED 25.07.2017.
EXHIBIT P8	TRUE COPY OF THE REVISION PETITION SUBMITTED BEFORE THE GOVERNMENT BY THE PETITIONER DATED 23.10.2017.
EXHIBIT P9	TRUE COPY OF THE JUDGMENT IN W.P. (C) NO. 1552/2012-T DATED 29.03.2017.
EXHIBIT P10	TRUE COPY OF THE JUDGMENT IN W.A.NO.2091 OF 2018 DATED 28.06.2019.