



2025:KER:1005

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 8TH DAY OF JANUARY 2025 / 18TH POUSHA, 1946

WP(C) NO. 43697 OF 2024

PETITIONER:

MINI G
AGED 52 YEARS
W/O. RAJEEVAN E, LPST,
NADAPURAM NORTH MLP SCHOOL,
NADAPURAM KOZHIKODE DISTRICT,
PIN - 673504

BY ADVS.
R.K.MURALEEDHARAN
ATHIRA A.MENON
HARISANKAR.K.V.

RESPONDENTS:

- 1 THE STATE OF KERALA,
REP. BY SECRETARY TO GENERAL EDUCATION
DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTION OF EDUCATION,
KOZHIKODE, KOZHIKODE DISTRICT -, PIN - 673001



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**3 THE ASSISTANT EDUCATIONAL OFFICER,
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER,
NADAPURAM, POST KALLACHI,
KOZHIKODE DISTRICT, PIN - 673001**

SRI. SUNIL V.K., SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.01.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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JUDGMENTDated this the 8th day of January, 2025

The petitioner, who is working as LPST in Nadapuram North MLP School, is before this Court seeking to quash Ext.P8 communication of the 1st respondent and to direct the respondents to sanction Selection Grade of 22 years to the petitioner and 2019 pay revision benefits within a time frame.

2. The petitioner states that she commenced her service as LPST on 01.06.1998 and was appointed as Teacher-in Charge on 14.08.2006. The petitioner was granted HM scale on 11.04.2013. Thereafter, the petitioner sought to go back as LPST, which was permitted with effect from 01.04.2016. The approval was granted on 26.08.2016.

3. The petitioner states that one T. E. Ramla was appointed as HM on 25.10.2019. On 10.11.2021, the petitioner requested for Selection Grade. The 3rd respondent issued



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communication dated 02.02.2023. The petitioner thereafter approached the Government with Ext.P5 representation. Ext.P5 representation has been rejected by the 1st respondent as per Ext.P8 communication.

4. The petitioner would submit that Ext.P8 communication has been issued by the Government without considering the contentions in Ext.P5 and hearing the petitioner. Ext.P8 is a cryptic order rejecting the representation, stating that if the petitioner has approval as HM, there is no provision in the KER for reversion as LPST. The petitioner states that Ext.P8 is illegal for several reasons.

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

6. From Ext.P8 communication, it is evident that the Government has treated Ext.P5 as a Revision Petition. If it is treated as a Revision Petition, the order passed on the



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revision should satisfy the statutory requirements and form. The order passed on a revision shall be in the name of the Governor also.

7. The petitioner would contend that the petitioner cannot now go back as HM as the appointment of the existing incumbent is already approved and the petitioner's reversion is also approved by the Educational Officer as per Ext.P2. This is a matter which has to be considered by the revisional authority. Ext.P8 does not reflect appreciation of those facts.

In the facts of the case, Ext.P8 is set aside. The 1st respondent is directed to reconsider the matter and pass orders afresh on Ext.P5, exercising the powers under Rule 3, Chapter I of KER, within a period of three months.

**Sd/-
N.NAGARESH
JUDGE**

spk



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APPENDIX OF WP(C) 43697/2024

PETITIONER EXHIBITS

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|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER AS TEACHER IN CHARGE DATED 14.08.2006 |
| Exhibit P2 | TRUE COPY OF THE ORDER NO. C-1140/16 ISSUED BY THE 3RD RESPONDENT DATED 26.08.2016 |
| Exhibit P3 | TRUE COPY OF THE ORDER NO. C/9165/2019 OF THE 3RD RESPONDENT DATED 25.10.2019 |
| Exhibit P4 | TRUE COPY OF THE COMMUNICATION NO. MW1(4)/16302/2021 FROM THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 26.12.2022 |
| Exhibit P5 | TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 15.02.2023 |
| Exhibit P6 | TRUE COPY OF STATEMENT OF FIXATION OF PAY IN THE SELECTION GRADE DATED 10.11.2021 |
| Exhibit P7 | TRUE COPY OF THE COMMUNICATION NO. C/2551/2021/ D.DIS FROM THE 3RD RESPONDENT DATED 02.02.2023 |
| Exhibit P8 | TRUE COPY OF THE COMMUNICATION NO. L1/47/2023/ G.EDN FROM THE 1ST RESPONDENT TO THE 3RD RESPONDENT DATED 03.09.2024 |