

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 31ST DAY OF OCTOBER 2017/9TH KARTHIKA, 1939

WP(C).No. 11585 of 2015 (W)

PETITIONER(S):

**ROOBESH K.
FULL TIME MENIAL, SN TRUST HIGHER SECONDARY SCHOOL,
CHELANNUR, KOZHIKODE**

**BY ADVS.SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY
SRI.M.V.ANTONY
SRI.TONY AUGUSTINE**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY, GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
695 001**
- 2. THE DISTRICT EDUCATIONAL OFFICER
KOZHIKODE 673 001**
- 3. THE MANAGER,
SN TRUST SCHOOLS, KOLLAM 691001**

**BY SR GOVERNMENT PLEADER SRI. BIJOY CHANDRAN
R3 BY ADV. SRI.A.N.RAJAN BABU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31-10-2017, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sdr/-

WP(C).No. 11585 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF THE APPOINTMENT ORDER DATED 3.12.2007
OF THE PETITIONER**

**EXT.P2 TRUE COPY OF THE APPOINTMENT ORDER OF
ASHY M.M DFATED 2.11.2005 ALONG WITH THE APPROVAL ORDER**

EXT.P3 TRUE COPY OF THE ORDER 31.3.2008 FROM THE 2ND RESPONDENT

**EXT.P4 TRUE COPY OF THE ORDER DATED 11.4.2013 FROM THE 2ND
RESPONDENT**

**EXT.P5 TRUE COPY OF THE ORDER DATED 2.3.2015 OF THE 1ST
RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

sdr/-

P.V.ASHA, J.

W.P.(C) No.11585 of 2015

Dated this the 31st day of October, 2017

JUDGMENT

The petitioner was appointed against a regular vacancy as Full Time Menial with effect from 3.12.2007. Approval of appointment was declined on the ground that the Manager did not appoint any protected teacher. The case of the petitioner is that there was no protected hand in the post of Full Time Menial available in the District.

2. The issue arising in this case is also covered by the judgment in ***Nadeera vs. State of Kerala : 2011 (3) KLT 790***, which is already upheld by the Division Bench. In that view of the matter also the petitioner is entitled to get his appointment approved with effect from 3.12.2007. As at present his appointment is approved from 1.6.2011, consequent to the introduction of the teachers package.

In the light of the aforesaid judgment, there shall be a direction to the respondents to revise the approval of appointment of the petitioner with effect from 3.12.2007 and to grant him all consequential benefits within a period of three months from the date of receipt of a copy of the judgment.

**P.V.ASHA
JUDGE**

rkc