

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942

WP(C).No.25950 OF 2018(P)

PETITIONER/S:

B.SREEJA

WIFE OF A.DEEPAKUMAR, AGED 34 YEARS, UPPER PRIMARY
SCHOOL ASSISTANT, REPUBLICAN VOCATIONAL HIGHER
SECONDARY SCHOOL, P.O.KONNI, PATHANAMTHITTA DISTRICT.

BY ADVS.

SRI.V.A.MUHAMMED

SRI.V.RAJASEKHARAN NAIR

RESPONDENT/S:

- 1 THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHARUPAM -695 001
- 2 THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHARUPAM-695014.
- 3 THE DEPUTY DIRECTOR OF EDUCATION
PATHANAMTHITTA AT TIRUVALLA-689101.
- 4 THE DISTRICT EDUCATIONAL OFFICER
PATHANAMTHITTA-689101.
- 5 THE MANAGER
REPUBLICAN VOCATIONAL HIGHER SECONDARY
SCHOOL, P.O.KONNI, PATHANAMTHITTA DISTRICT-689691.

OTHER PRESENT:

SRGP.SRI.P.M.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June 2020

The petitioner, who was appointed as per Ext.P1 order as UPSA under the 5th respondent with effect from 05.06.2006, is aggrieved by the denial of approval for the period from 05.06.2006. It is stated that her appointment in Ext.P1 was against an additional division vacancy for the year 2006-07 and approval was rejected on account of the ban existed against appointments in additional division vacancies. She was granted approval from 01.06.2011 only on introduction of teacher's package. Seeing that several similarly situated persons appointed during the period of ban were granted approval, the petitioner also submitted a Revision Petition-Ext.P12. By Ext.P13 the Government ordered that since validity to G.O.(P) No.10/10/G.Edn dated 12.01.2010 is pending consideration of the Supreme Court in appeal, the petitioner's appointment cannot be given approval with effect from the date on which she was appointed ie. 05.06.2006.

2. This Court has in a series of cases held that even

in cases where Managers have not executed the bond as prescribed in the aforesaid Government Order, educational authorities can approve the appointment deeming that Managers have executed the bond. Therefore, petitioner's appointment is liable to be approved deeming that the Manager has executed the bond. It will be open to the educational authorities to enforce the provisions contained in G.O.(P) No.10/10/G.Edn dated 12.01.2010 as against the Manager.

Therefore Ext.P13 order is set aside. There shall be a direction to the 4th respondent to issue revised orders approving the appointment of the petitioner with effect from 05.06.2006 and grant her all consequential benefits within a period of four months from the date of receipt of a copy of the judgment.

The Writ Petition is disposed of accordingly.

Sd/-

P.V.ASHA

JUDGE

rkc

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 05.06.2006
EXHIBIT P2	TRUE COPY OF THE ORDER NO.B3-5626/06 DATED 07.11.2006 OF THE DISTRICT EDUCATIONAL OFFICER
EXHIBIT P3	TRUE COPY OF THE ORDER NO.B4/18399/06/L.DIS.DATED 28.2.2007 OF THE DEPUTY DIRECTOR
EXHIBIT P4	TRUE COPY OF THE ORDER NO.ET3/50481/2007/DPI/D.DIS.DATED 13.9.2007 OF THE 2ND RESPONDENT
EXHIBIT P5	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 5.6.2006 AND APPROVAL THEREON
EXHIBIT P6	TRUE COPY OF THE ORDER NO.H2/35920/11/DPI DATED 12.12.2011 OF THE 2ND RESPONDENT
EXHIBIT P7	TRUE COPY OF THE G.O.(P)NO.10/2010/G.EDN. DATED 12.01.2010 OF THE GOVERNMENT
EXHIBIT P8	TRUE COPY OF THE STAFF FIXATION ORDER 2006-2007 DATED 25.10.2006
EXHIBIT P9	TRUE COPY OF THE ORDER N.K.DIS.B3/16815/2011 DATED 10.01.2012 OF THE 4TH RESPONDENT
EXHIBIT P10	TRUE COPY OF THE JUDGMENT IN W.P. (C)NO.16337/2009-J DATED 9.7.2010
EXHIBIT P11	TRUE COPY OF THE JUDGMENT IN W.P. (C)NO.6039/2012-D DATED 18.02.2015
EXHIBIT P12	TRUE COPY OF THE REVISION PETITION SUBMITTED BEFORE THE GOVERNMENT DATED 25.08.2017
EXHIBIT P13	TRUE COPY OF THE G.O(RT)NO.1885/2018/G.EDN DATED 23.05.2018 OF THE GOVERNMENT
EXHIBIT P14	TRUE COPY OF THE JUDGMENT IN W.A.NO.2290/2015 DATED 25.07.2017 OF THE

GOVERNMENT

EXHIBIT P15

**TRUE COPY OF THE ORDER NO.B4/8039/16/K.DIS
DATED 07.06.2017 OF TH DEO,THIRUVALLA.**