

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 30TH DAY OF NOVEMBER 2020 / 9TH AGRAHAYANA, 1942

WP(C).No.26311 OF 2015(L)

PETITIONER:

NISHANTH K.N.
AGED 39 YEARS
LAB ASSISTANT, P.V.H.S.S, PARAPPUKKARA,
PARAPPUKKARA P.O., THRISSUR - 680 310.

BY ADVS.
SRI.P.SANKARANKUTTY NAIR
SRI. VENU MENON
SRI.K.SANDESH RAJA

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY, GENERAL
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE DIRECTOR
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SHANTHI NAGAR,
THIRUVANANTHAPURAM - 695 001.
- 3 REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
ERNAKULAM.

R1, R3 BY GOVERNMENT PLEADER

OTHER PRESENT:

SR GP. P. M. MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-11-2020, THE COURT ON 30-11-2020 DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of November 2020

1. The petitioner who is appointed as Lab Assistant in an aided school is aggrieved by the denial of approval to his appointment from the date of appointment, that is, 03.06.2013. He was granted approval with effect from 03.06.2013, on the basis of Ext.P3 order.
2. The petitioner pointed out that this Court has in the judgment in W.P.(C)No.11033/2014 held that similarly situated persons are entitled to approval with effect from the date of their initial appointment. It is also pointed out that W.A.No.908/2016 filed against the said judgment is already dismissed.
3. It is submitted that the State has taken up the matter to the Supreme Court and S.L.P.Nos.15232-15257/19 are pending consideration. As the issue is covered by the judgment of the Division Bench of this Court, the petitioner would be entitled

to get approval in the respective post from the date of his appointment as Lab Assistant.

4. There shall be a direction to the Regional Deputy Director, the 3rd respondent to issue revised order of approval in respect of the appointment of the petitioner taking note of the judgment aforesaid. It shall be done within a period of two months from the date receipt of a copy of this judgment of the Division Bench and petitioner shall be granted all consequential benefits. However, this judgment will be subject to the result of the Special Leave Petition pending consideration before the Apex Court.

Writ Petition is ordered accordingly.

Sd/-
Anu Sivaraman, Judge

sj

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	EXHIBIT-P1-TRUE COPY OF THE APPOINTMENT ORDER DATED 05/08/2011 ISSUED TO THE PETITIONER.
EXHIBIT P2	EXHIBIT-P2-TRUE COPY OF THE G.O (MS) 76/2013/G.EDN. DATED 23/02/2013.
EXHIBIT P3	EXHIBIT-P3-TRUE COPY OF THE APPROVAL ORDER ISSUED TO THE PETITIONER DATED 25/09/2013.
EXHIBIT P4	EXHIBIT-P4-TRUE COPY OF THE REPRESENTATION
EXHIBIT P5	EXHIBIT-P5-TRUE COPY OF THE LETTER NO. ACD/C4/42608/2013/HSE DATED 02/12/2013.
EXHIBIT P6	EXHIBIT-P6-TRUE COPY OF THE LETTR NO. ACDC/2/53830/HSE/2013 DATED 11/04/2013.
EXHIBIT P7	EXHIBIT-P7-TRUE COPY OF THE REPRESENTATION DATED 02/09/2014.
EXHIBIT P8	EXHIBIT-P8-TRUE COPY OF THE COMPUTER PRINOUT OF THE JUDGMNET IN W.P(C) 5709/2007 DATED 22/05/2012.
EXHIBIT P9	EXHIBIT-P9-TRUE COPY OF THE ORDER NO. B3/5085/RDDE/HSE/2013 DATED 14/06/2013.
EXHIBIT P10	EXHIBIT-P10-TRUE COPY OF THE ORDER NO. B/5086/RDDE/HSE/2013 DATED 09/06/2013.
EXHIBIT P11	EXHIBIT-P11-TRUE COPY OF THE INTERIM ORDER DATED 02/06/2014 IN W.P(C) 11033/2014
EXHIBIT P12	EXHIBIT-P12-TRUE COPY OF THE JUDGMENT IN W.P(C) 11033/2014 DATED 01/06/2015.

True copy

PS to Judge