

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943

WP(C) NO. 13995 OF 2021

PETITIONER :-

GIRLY K., AGED 56 YEARS, W/O.PRITHVIRAJ P.K.,
HIGH SCHOOL ASSISTANT (MATHEMATICS),
MOIDEENKOYA HAJI MEMORIAL MUSLIM ORPHANAGE HIGHER
SECONDARY SCHOOL, MANASSERY, MUKKAM,
KOZHIKODE - 673 601 (RETIRED),
PRESENTLY RESIDING AT PALAKKADAVATH, MANASSERY P.O.
KOZHIKODE - 673 602.

BY ADVS.
T.D.SUSMITH KUMAR
C.SIVADAS

RESPONDENTS :-

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THYCAUD, THIRUVANANTHAPURAM - 695 014.
- 3 DIRECTOR OF PUBLIC INSTRUCTIONS,
DIRECTORATE OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM - 695 014.
- 4 DISTRICT EDUCATIONAL OFFICER,
DISTRICT EDUCATION OFFICER,
THAMARASSERY, KOZHIKODE - 673 572.
- 5 MOIDEENKOYA HAJI MEMORIAL MUSLIM ORPHANAGE HIGHER
SECONDARY SCHOOL, MANASSERY, KOZHIKODE - 673 602,
REPRESENTED BY ITS MANAGER.

SRI. BIJOY CHANDRAN- SR. G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of July, 2021

This writ petition is filed seeking the following reliefs :-

- “i) to call for the entire records leading to the issuance of Exhibit P6 and all action taken in respect of Exhibit P8, the Revision Petition dated 22-05-2021 preferred by the petitioner.
- ii) to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the 1st Respondent to sanction the leave pertaining to the period 01-06-2020 to 06-12-2020 as eligible leave with salary and other benefits thereof pursuant to the Revision Petition, Exhibit P8, by setting aside Exhibit P6.
- iii) to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the 1st Respondent to consider and dispose of Exhibit P8, the Revision Petition dated 22-05-2021 forthwith reckoned upon Exhibit P4 and Exhibit P7.
- iv) to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the Respondents to accept the Pension Application of the Petitioner subject to the outcome of Exhibit P8 the Revision Petition.”

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 as against Ext.P6 letter rejecting the petitioner's pay fixation statement, the petitioner has approached the 1st respondent with

Ext.P8 revision petition. It is submitted that the same is liable to be considered in accordance with law.

Having heard the learned Government Pleader also, there will be a direction to the 1st respondent to take up, consider and pass orders on Ext.P8 representation preferred by the petitioner, with notice to the petitioner as well as the 5th respondent and after hearing them through any appropriate means including video conferencing. Orders shall be passed within a period of three months from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

Sd/-
ANU SIVARAMAN
JUDGE

APPENDIX OF WP(C) 13995/2021

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF GOVERNMENT ORDER G.O. (RT) NO. 1282/2016/G.EDN. DATED 01.04.2016 ISSUED BY UNDER SECRETARY T GOVERNMENT.

Exhibit P2 A TRUE COPY OF THE LETTER DATED 01.03.2020 ADDRESSED TO THE MANAGER OF THE SAID SCHOOL AND DEO, 4TH RESPONDENT.

Exhibit P3 A TRUE COPY OF THE LETTER DATED 27.04.2020 ADDRESSED TO MANAGER.

Exhibit P4 A TRUE COPY OF THE LETTER NO. DGE/8157/2020-A5 DATED 28.09.2020 ISSUED BY DGE, THE END RESPONDENT.

Exhibit P5 A TRUE COPY OF THE ORDER BEARING NO. 30/2021 DATED 01.01.2021 ISSUED BY HEADMASTER.

Exhibit P6 A TRUE COPY OF THE LETTER NO. B2/833/2021 L DIS. DATED 18.04.2021 ISSUED BY DEO, THE 4TH RESPONDENT.

Exhibit P7 A TRUE COPY OF THE LETTER NO. H2/4200/20201/D.G.E. DATED 20.04.2021 ISSUED BY DGE, THE 2ND RESPONDENT.

Exhibit P8 A TRUE COPY OF THE REVISION PREFERRED BY PETITIONER 22.05.2021.

Exhibit P9 A TRUE COPY OF THE PRINTOUT OF E-MIL DATED 23.6.2021 ADDRESSED TO 1ST RESPONDENT.