

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 31ST DAY OF MAY 2022 / 10TH JYAISHTA, 1944

WP(C) NO. 5759 OF 2022

PETITIONER:

SABU.E.D.,
AGED 51 YEARS
SON OF E.K.DEVASSY, CLERK, M K HIGHER SECONDARY
SCHOOL, VENGOOR-683 546, ERNAKULAM DISTRICT,
(RESIDING AT EDAPPULAVAN HOUSE, CHELAMATTAM,
P.O.OKKAL, ERNAKULAM DISTRICT-683 550).

BY ADVS.
V.A.MUHAMMED
M.SAJJAD

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, SECRETARIAT ANNEXE II,
THIRUVANANTHAPURAM-695 001.
- 2 THE DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THIRUVANANTHAPURAM-695 014.
- 3 THE DISTRICT EDUCATIONAL OFFICER,
KOTHAMANGALAM, ERNAKULAM DISTRICT-686 691.
- 4 THE MANAGER, M K HIGHER SECONDARY SCHOOL,
VENGOOR-683 546, ERNAKULAM DISTRICT.
- 5 THE PRINCIPAL, M K HIGHER SECONDARY SCHOOL,
VENGOOR-683 546, ERNAKULAM DISTRICT.

SMT NISHA BOSE, SR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31.05.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner states that he was appointed as a Peon from 01.11.2001 in the M K Higher Secondary School in a leave vacancy. He is now functioning as a Clerk from 25.08.2006 onwards. The petitioner claims that he is entitled to annual increments, grade benefits etc. dehors the restrictions imposed in Ext.P5 Government Order. The petitioner contends that raising all his legal contentions, he has preferred Ext.P8 representation before the Government which is stated to be pending. It is in the afore circumstances that the petitioner has approached this Court seeking direction to the 1st respondent to consider Ext.P8 and take a decision expeditiously.

2. Heard Sri.V.A.Muhammed, the learned counsel appearing for the petitioner and Smt.Nisha Bose, the learned Senior Government Pleader.

3. After having carefully evaluated the contentions raised in this writ petition, the submissions made across the Bar and the facts and circumstances, I am of the view that this writ petition can be disposed of by issuing the following directions:

- a) There will be a direction to the 1st respondent to take up, consider and pass appropriate orders on Ext.P8, after affording an opportunity of being heard, either physically or virtually, to the

petitioner herein or his authorised representative.

b) Orders, as directed above, shall be passed expeditiously, in any event, within a period of four months from the date of production of a copy of this judgment.

c) It would be open to the petitioner to produce a copy of the writ petition along with the judgment before the concerned respondent for further action.

This writ petition is disposed of.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

IAP

APPENDIX OF WP(C) 5759/2022

PETITIONER'S EXHIBITS:

Exhibit P1	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 01.11.2001.
Exhibit P2	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 01.04.2002.
Exhibit P3	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 05.09.2005.
Exhibit P4	TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 25.08.2006.
Exhibit P5	TRUE COPY OF THE GO(MS) NO.16/10/G.EDN DATED 18.01.2010.
Exhibit P6	TRUE COPY OF THE JUDGMENT IN WA NO.2032/2018 DATED 12.03.2019.
Exhibit P7	TRUE COPY OF THE CIRCULAR NO.26790/J3/2006/G.EDN DATED 29.07.2006 OF THE GOVERNMENT.
Exhibit P8	TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE GOVERNMENT DATED 12.01.2022 (WITHOUT EXHIBITS).

RESPONDENTS' EXHIBITS:

NIL