

Subash Kumar V vs State of Kerala

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Court : Kerala

Decided On : Apr-08-2025

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/11851/2025

Appellant : Subash Kumar V

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947
WP(C) NO. 11851 OF 2025 PETITIONER: SUBASH KUMAR V AGED
41 YEARS, S/O RAMAKRISHNAN V UPST S.N.U.P. SCHOOL
KODUNTHIRAPULLY PALAKKAD RESIDING AT VALAKURISSI
HOUSE, KARAKURSSI POST MANNARGHAT, PALAKKAD, PIN -
678004. BY ADV U.BALAGANGADHARAN RESPONDENTS: 1 STATE
OF KERALA REPRESENTED BY SECRETARY, GENERAL
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT (ANNEX)
THIRUVANANTHAPURAM, PIN - 695001. 2 THE DIRECTOR OF
GENERAL EDUCATION JAGATHY, THIRUVANANTHAPURAM, PIN -

695014. 3 THE DEPUTY DIRECTOR OF EDUCATION CIVIL STATION, ROBINSON ROAD, PALAKKAD, PIN - 678001. :2: 4 THE ASSISTANT EDUCATIONAL OFFICER, CIVIL STATION, ROBINSON ROAD, PALAKKAD, PIN - 678001. 5 THE HEADMASTER, S.N.U.P. SCHOOL, KODUNTHARAPALLY, PALAKKAD, PIN - 678004. 6 THE MANAGER S.N.U.P. SCHOOL, KODUNTHARAPALLY, PALAKKAD, PIN - 678004. BY ADV.SRI. PREMCHAND R NAIR, SR.GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

Dated this the 8th day of April, 2025 The petitioner, qualified with a B.Sc Degree, B.Ed, and KTET qualifications, was appointed as UPST on 03.10.2017. His appointment was approved by the AEO only on 22.02.2022, and pay and allowances were granted from this approval date, though he is entitled to arrears of pay from 03.10.2017.

2. The petitioner submits that there was unjustifiable delay and culpable inaction by the Headmistress

(HM) in processing his pay and allowances. Despite multiple

requests, the arrears were withheld, and the petitioner had to seek relief from this Court. His entitlement includes arrears from 03.10.2017 and pay revision as per the 2019 pay scale. :4:

3. I have heard the learned Counsel for the petitioner and the learned Government Pleader representing respondents 1 to 4.

4. The petitioner would urge that there is

culpable delay and lapse on the part of the 5 th respondent in drawing and disbursing the pay and allowance of the petitioner from 03.10.2017 to 2/2022 and in revising the pay and allowances of the petitioner consequent upon the 2019 Pay

Revision with effect from 01.07.2019.

5. Be that as it may, from the pleadings, I find

that the petitioner has preferred Ext.P3 representation before the 2nd respondent highlighting the grievance of the petitioner. In the facts of the case, I am of the view that it would be sufficient if the 2nd respondent considers the grievance of the petitioner raised in Ext.P3, at least at the first instance, and takes a decision in the matter.

:5: The writ petition is accordingly disposed of directing the 2nd respondent to consider Ext.P3 representation submitted by the petitioner and take appropriate decision thereon within a period of two months, after granting an opportunity of hearing to the petitioner and other affected parties, if any.

Sd/- N. NAGARESH JUDGE ams :6: APPENDIX OF WP(C) 11851/2025
PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF APPOINTMENT ORDER
ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER DATED 3.10.2017
Exhibit P2 A TRUE COPY OF THE ORDER NO. F/24374/2022/K.DIS ISSUED BY
THE 4TH RESPONDENT AEO DATED 22.2.2022 Exhibit P3 A TRUE COPY OF
THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND
RESPONDENT DATED 15.2.2025

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