

A.Sreejith vs the State of Kerala

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Court : Kerala

Decided On : Apr-05-2024

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/23592/2013

Appellant : A.Sreejith

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN
FRIDAY, THE 5TH DAY OF APRIL 2024 / 16TH CHAITHRA, 1946
WP(C) NO. 23592 OF 2013 PETITIONER/S: A.SREEJITH AGED 37
YEARS SON OF K.PADMANABHAN NAIR, PEON, PAVANDOOR
HIGHER SECONDARY SCHOOL, P.O.PAVANDOOR, KOZHIKODE
DISTRICT. BY ADVS. SRI.V.A.MUHAMMED SRI.M.SAJJAD
RESPONDENT/S:

1 THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001. 2 THE

DIRECTOR OF PUBLIC INSTRUCTIONS JAGATHY,
THIRUVANANTHAPURAM-695 014. 3 THE DEPUTY DIRECTOR OF
EDUCATION KOZHIKODE DISTRICT-673 020. 4 THE DISTRICT
EDUCATIONAL OFFICER THAMARASSERY, KOZHIKODE-673 573. 5
THE MANAGER PAVANDOOR HIGHER SECONDARY SCHOOL,
P.O.PAVANDOOR, KOZHIKODE DISTRICT-673 613. 6 THE
HEADMASTER PAVANDOOR HIGHER SECONDARY SCHOOL,
P.O.PAVANDOOR, KOZHIKODE DISTRICT-673 613. BY ADV
GOVERNMENT PLEADER

OTHER PRESENT: SRI. BIJOY CHANDRAN. SR. GP. THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05.04.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Sathish Ninan, J.

===== W.P(C) No.23592 of 2013
===== Dated this the 5th day of April,
2024

JUDGMENT

The claim of the petitioner for approval of his appointment as Peon, was rejected by the original authority as per Ext.P1 order. The statutory revision preferred by the petitioner before the Government was disposed of as per Ext.P5 order. As per Ext.P5, the appointment was approved but, on daily wage basis. The claim of the petitioner is that the approval is liable to be made on the basis of scale of pay.

2. I have heard the learned counsel for the petitioner and also the learned senior Government Pleader.

3. Ext.P5 order purporting to dispose of

the statutory revision, is in the form of a WP(C) No.23592 of 2013 :- 2 :- letter issued by the Deputy Secretary, for and behalf of the Secretary to Government.

The Rules of Business and the constitutional provisions require the decisions of the Government in such revisions to be issued in the name of the Governor. The issue is squarely covered by the judgment of the Full Bench of this Court in *Sudheer T vs. M.V Susheela and Others*: 2009 (3) KHC 991. In the light thereof, Ext.P5 cannot be sustained.

4. The Government is to reconsider the

issue and to pass fresh orders after affording an opportunity of hearing to the petitioner. Resultantly, this writ petition is allowed. Ext.P5 is quashed. The 1st respondent shall rehear the petitioner and dispose of the revision afresh. Let orders be passed within a WP(C) No.23592 of 2013 :- 3 :- period of four months from the date of receipt of a copy of this judgment. Sd/- Sathish Ninan, Judge SVP
APPENDIX OF WP(C) 23592/2013 PETITIONER EXHIBITS P1- TRUE COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 15.7.2011.

P2- TRUE COPY OF THE ORDER

NO.B1/18772/2011/K.DIS. DATED 2.12.2011 OF THE DEPUTY DIRECTOR.

P3- TRUE COPY OF THE ORDER

NO.EM3/5517/2012/K.DIS./DPI DATED 20.07.2012 OF THE 2ND RESPONDENT. P4- TRUE COPY OF THE REVISION FILED BEFORE THE 1ST RESPONDENT DATED 27.8.2012. P5- TRUE COPY OF THE LETTER NO.21956/NI/13/G.EDN. DATED 10.06.2013 OF THE GOVERNMENT.

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