

**Beena Augustine vs State of Kerala,**

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**SooperKanoon Citation :** [sooperkanoon.com/1769341](https://sooperkanoon.com/1769341)

**Court :** Kerala

**Decided On :** May-29-2020

**Judge :** Honourable Mr.Justice C.S.Dias

**Appeal No. :** WP(C)/10618/2020

**Appellant :** Beena Augustine

**Respondent :** State of Kerala,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYAISHTA, 1942 WP(C).No.10618 OF 2020(B) PETITIONER/S: BEENA AUGUSTINE AGED 45 YEARS W/O.SUNIL PHILIP. HIGH SCHOOL TEACHER (MALAYALAM), NIRMALA HIGHER SECONDARY SCHOOL, CHEMPERI P.O., KANNUR DISTRICT, PIN-670632 RESIDING AT PADETTU HOUSE, KAITHAPURAM P.O., MADAMPAM, KANNUR DISTRICT, PIN-670631. BY ADV. SRI.MURALI PALLATH RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVT., GENERAL EDUCATION DEPARTMENT, GOVT.

SECRETARIAT (ANNEX II), THIRUVANANTHAPURAM, PIN-695001. 2 THE DIRECTOR OF GENERAL EDUCATION, JAGATHY P.O., THIRUVANANTHAPURAM, PIN-695014. 3 THE DEPUTY DIRECTOR OF EDUCATION, KANNUR, THANA P.O., KANNUR DISTRICT, PIN-670002. 4 THE DISTRICT EDUCATIONAL OFFICER, TALIPARAMBA, KANNUR DISTRICT, PIN-670141. 5 THE CORPORATE MANAGER, CORPORATE EDUCATIONAL AGENCY, ARCH DIOCESE OF THALASSERY, KANNUR DISTRICT, PIN-670101.

OTHER PRESENT: BY SMT.NISHA BOSE, GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**C.S.DIAS, J.**

===== WP(C) No.10618 of 2020  
===== Dated this the 29th day of May, 2020.

## **JUDGMENT**

The petitioner was appointed as High School Assistant (Malayalam) in Mary Queens High School in Kannur district as per Ext P1 order. The District Educational Officer approved the appointment of the petitioner as High School Assistant (Malayalam) from 16.6.2008 to 31.3.2009 on daily wages and from 1.6.2009

**onwards in the scale of pay as per order**

No.ONO.B5/5351/09/K.Dis dated 19.2.2010.

2. It is pleaded that the fifth respondent submitted Ext P3 to approve the appointment of the petitioner. Later, this Court by its judgment in WP(C)

pass appropriate orders on Ext P3. Accordingly, the fourth respondent reconsidered the matter and rejected the claim for approval on regular basis as

per Ext P4 stating that Ext P2 order has no retrospective effect.

### **3. The petitioner being aggrieved by Ext P4 order**

has filed Ext P9 revision petition before the first respondent under rule 92 of Chapter XIV A praying for approval from 16.6.2008 onwards. The petitioner relies on Exts P5 and P6 judgments and Exts P7 and P8 Government Orders issued by the Government in similar cases. Though Ext P9 revision petition was filed as early as on 27.4.2020, the same has not been considered by the first respondent. Hence the petitioner prays that the first respondent may be directed to consider and pass orders on Ext P9 revision petition.

### **4. Heard the learned counsel for the petitioner**

and the learned Government Pleader appearing for the respondents 1 to 4. In view of the limited relief that I propose to pass, notice to the fifth respondent is dispensed with.

### **5. Taking into consideration the fact that Ext P9 is**

pending consideration before the first respondent since 27.4.2020, I direct the first respondent to consider and pass appropriate orders on Ext P9 revision petition,

taking into consideration Exts P5 to P8 also, in accordance with law, within a period of three months from the date of receipt of a copy of this judgment. The petitioner is at liberty to forward to the first respondent the certified copy of this judgment along with a copy of the memorandum of writ petition. The writ petition is ordered accordingly.

Sd/- C.S.DIAS JUDGE sks/29.5.2020 APPENDIX PETITIONERS EXHIBITS

**Exhibit P1 : True copy of the petitioners appointment order**

dated 16.06.2008 issued by the 5th respondent Exhibit P2 : True copy of GO (P) No. 56/2011/G. Edn. Dated 26.02.2011 Exhibit P3 : True copy of revision petition dated 12.09.2016 submitted by the 5th respondent Exhibit P4 : True copy of order No.B2/667/18/K.Dis dated 04.03.2019 issued by the 4th respondent Exhibit P5 : True copy of 2013 (1) KHC 660 Exhibit P6 : True copy of 2013 KHC 723 Exhibit P7 : True copy of GO (Rt.)No.3619/2014/G. Edn. dated 16.09.2014

True copy of GO(Rt.) No. 2559/15/G.Edn. dated Exhibit P8 : 26.06.2015 True copy of revision petition dated 27.04.2020 Exhibit P9 : submitted by the petitioner before the 1st respondent

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