



2025:KER:19543

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 7TH DAY OF MARCH 2025 / 16TH PHALGUNA, 1946

WP(C) NO. 14944 OF 2024

PETITIONER:

SOORYA S.V
AGED 33 YEARS, W/O. ARUN R.V,
HIGH SCHOOL TEACHER (MATHEMATICS) ,
MGM HIGH SCHOOL, POOZHANADU, NEYYATTINKARA,
THIRUVANANTHAPURAM- RESIDING AT KUNDAMATHU VEEDU,
KURAVARA, OTTASEKHARAMANGALAM,
THIRUVANANTHAPURAM DISTRICT, PIN - 695125.

BY ADVS.
M.R.ANISON
V.BHARGAVI (PANANGAD)
P.A.RINUSA

RESPONDENTS:

- 1 STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVT
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001.

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- 2 THE DIRECTOR GENERAL OF EDUCATION
OFFICE OF THE DIRECTOR GENERAL OF EDUCATION,
JAGATHY, THIRUVANANTHAPURAM, PIN - 695104.
- 3 THE DISTRICT EDUCATIONAL OFFICER
NEYATTINKARA, PIN - 695121.
- 4 THE MANAGER, MGM HIGH SCHOOL, POOZHANADU
NEYATTINKARA, THIRUVANANTHAPURAM,
PIN - 695121.

BY ADV.SRI. TONY AUGUSTINE, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

Dated this the 7th day of March, 2025

The petitioner, who is HST (Mathematics) working in MGM High School, Poozhanadu, Neyyattinkara, contends that she is working as HST with effect from 01.07.2020. The petitioner's appointment was already approved as per Ext.P2 with effect from 15.07.2021. Based on Ext.P2 approval, the petitioner has been receiving salary.

2. The petitioner states that all of a sudden, the petitioner has been served with Ext.P3 letter of the 3rd respondent, withholding the salary of the petitioner. It is submitted that as long as Ext.P2 approval order is in force, the respondents have no authority to withhold the salary. It is in such circumstances that the petitioner filed this writ petition seeking to quash Ext.P3 and to direct the respondents to disburse the salary due to the petitioner.



3. Counsel for the petitioner submits that subsequent to the filing of the writ petition, the petitioner's appointment has been cancelled as per Ext.P4 order dated 20.02.2025. Aggrieved by Ext.P4, the petitioner has preferred Ext.P5 revision petition dated 24.02.2025. The petitioner submits that the Government may be directed to consider Ext.P5 revision petition, the cancellation of approval granted to the petitioner and all further proceedings may be stayed till the Government takes a decision on Ext.P5.

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

5. The appointment of the petitioner earlier approved stands cancelled, alleging that there are irregularities in the appointment. It is further alleged that the School has not adhered to the reservation norms applicable to Persons with Disabilities.



6. Be that as it may, as the petitioner has already approached the 1st respondent by way of statutory revision petition, it would be only just and proper that the 1st respondent considers revision petition and takes appropriate decision thereon in accordance with law.

The writ petition is accordingly disposed of directing the 1st respondent to consider Ext.P5 revision petition and take appropriate decision thereon within a period of three months. The petitioner may be permitted to continue to work as Teacher till a decision is taken by the Government, but this will be at the petitioner's own risk.

Sd/-
N. NAGARESH
JUDGE

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APPENDIX OF WP (C) 14944/2024

PETITIONER EXHIBITS

- Exhibit -P1 A TRUE COPY OF THE APPLICATION FOR APPROVAL OF APPOINTMENT OF THE PETITIONER SUBMITTED BY THE 4TH RESPONDENT THROUGH 'SAMANYAYA PORTAL'.
- Exhibit -P2 A TRUE COPY THE ORDER BEARING NO.B4/32332/2021 DATED 30.05.2023 ISSUED BY THE 3RD RESPONDENT.
- Exhibit-P3 A TRUE COPY OF LETTER NO.B4/426/2024 DATED 06.03.2024 ISSUED BY THE 3RD RESPONDENT.
- Exhibit P4 TRUE COPY OF THE ORDER NO.ET4/5327/2024-DGE/KDIS DATED 20.02.2025 ISSUED BY THE 2ND RESPONDENT
- Exhibit P5 TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER DATED 24.02.2025 BEFORE THE 1ST RESPONDENT .
- Exhibit P6 TRUE COPY OF THE STAFF FIXATION ORDER OF THE SCHOOL FOR THE ACADEMIC YEAR 2019 -2020 BEARING NO.K.DIS.B4/51950/2019 DATED 16.07.2019.
- Exhibit P7 TRUE COPY OF THE STAFF FIXATION ORDER OF THE SCHOOL FOR THE ACADEMIC YEAR 2024 -2025 BEARING NO.K.DIS.B4/753291/2024 DATED 22.08.2024
- Exhibit P8 TRUE COPY OF THE RELEVANT PAGES OF LETTER NO.101.2023/32 DATED 05.07.2023 ISSUED BY THE NATIONAL EMPLOYMENT SERVICE (KERALAM)