

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1235 of 2018

AGAINST THE JUDGMENT IN WP(C)No.30167/2016 OF HIGH COURT OF KERALA
DATED 14-08-2017

APPELLANTS/RESPONDENTS 1 TO 4 IN WP(C):

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001
- 3 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001
- 4 THE ACCOUNTANT GENERAL (A&E) KERALA,
THIRUVANANTHAPURAM-695 039.

BY ADV. GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS IN WP(C):

- 1 SABU MATHEW,
HEADMASTER, ST.AUGUSTINE'S HIGH SCHOOL, RAMAPURAM,
KOTTAYAM DISTRICT,
RESIDING AT KANAMKOMPIL HOUSE,
NEELOOR.P.O., PIN-686 651.
- 2 K.J.MATHEW,
HEADMASTER, ST.MARYS HIGH SCHOOL, TEEKOY,
KOTTAYAM DISTRICT,
RESIDING AT KIZHAKKETHURUTHIYIL HOUSE,
EDAMATTOM.P.O., PALA, PIN-686 588.

- 3 JOSEPH.V.T.
HEADMASTER, SEA VIEW ESTATE UPPER PRIMARY SCHOOL,
PARATHANAM, KOTTAYAM DISTRICT,
RESIDING AT VETTIKKAL HOUSE,
PARAPPALLY.P.O., PALA, PIN-686 578
- 4 ABRAHAM.P.G.
HEADMASTER, ST.PETERS HSS, ELANJI,
KOTTAYAM DISTRICT,
RESIDING AT PALLIPPARAMBIL HOUSE,
KOTHANALLUR.P.O., PIN-686 632
- 5 THOMAS SEBASTIAN,
HEADMASTER, ST.JOHNS HS, KURUMANNU,
KOTTAYAM DISTRICT,
RESIDING AT MOONNANAPPALLI HOUSE, THAIDANADU.P.O.,
PIN-686 123
- 6 CHINNAMMA MATHEW,
HSA (SOCIAL SCIENCE), ST.JOHNS HS, KURUMANNU,
KOTTAYAM DISTRICT,
RESIDING AT PADINJARAYIL HOUSE,
THUDANANGAD.P.O., PALA, PIN-685 587
- 7 JOSE SEBASTIAN.K.
PHYSICAL EDUCATION TEACHER, ST.JOSEPHS HS,
VILAKKUMADAM, KOTTAYAM DISTRICT,
RESIDING AT KUMPLANKAL HOUSE, CHURCH ROAD,
PRAVITHANAM.P.O., PIN-686 651

BY ADVS.
SRI.SIJI ANTONY

OTHER PRESENT:

SR.GP. SRI.A.J.VARGHESE

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1779/2018, WA.1783/2018, WA.1785/2018,
WA.1791/2018, WA.1801/2018, WA.1804/2018, WA.1809/2018,
WA.1817/2018, WA.1827/2018, WA.1838/2018, WA.1851/2018,
WA.1852/2018, WA.1871/2018, WA.1889/2018, WA.1890/2018,
WA.1895/2018, WA.1897/2018, WA.1942/2018, WA.1974/2018, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1779 of 2018

AGAINST THE JUDGMENT IN WP(C) NO.30368 OF 2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS 1 TO 4 IN WPC.

- 1 STATE OF KERALA,
REP BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695001
- 3 DEPUTY DIRECTOR OF EDUCATION, KOTTAYAM,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM DISTRICT-686001
- 4 DEPUTY DIRECTOR OF EDUCATION, IDUKKI,
OFFICE OF THE DEPUTY DIJRECTOR OF EDUCATION,
IDUKKI DISTRICT-687001

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS & RESPONDENTS 5&6 IN WPC:

- 1 LIZY THOMAS, W/O MATHEW,
HIGH SCHOOL ASSISTANT (RTD), ST. JOHNS HIGH SCHOOL,
KURUMANNU, PALA, LALLARAKKAL HOUSE,
MADAKKATHANAM PO, MUVATTUPUZHA,
ERANAKULAM DISTRICT-686670.

- 2 SR.STELLA ROSE JOSE,
 HIGH SCHOOL ASSISTANT (RETIRED) ,
 ST.ANTONY'S HIGH SCHOOL, KUNINJI, THODUPUZHA,
 RESIDING AT ASSUMPTION CONVENT,
 THEL PARA, KABALAMUKKATTA.P.O, NILAMBUR,
 MALAPPURAM DISTRICT.

- 3 CORPORATE MANAGER,
 CORPORATE EDUCATIONAL AGENCY,
 DIOCESE OF PALA, BISHOP'S HOUSE, PALA,
 KOTTAYAM DISTRICT-686051.

- 4 CORPORATE MANAGER,
 CORPORATE EDUCATIONAL AGENCY,
 DIOCESE OF KOTHAMANGALAM,
 BISHOP'S HOUSE, KOTHAMANGALAM-666991

BY ADV.SRI.PAULSON THOMAS.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1897/2018, WA.1942/2018, WA.1895/2018,
WA.1791/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1783 of 2018

AGAINST THE JUDGMENT IN WP(C) 32425/2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695 001.
- 2 THE SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695001.
- 4 THE ACCOUNTANT GENERAL (A&E) KERALA,
THIRUVANANTHAPURAM, PIN - 695 039.

BY SR.GOVT. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS:

- 1 MATHEW P.D. ,
DRAWING TEACHER (SELECTION GRADE) ,
RAMA VARMA UNION HIGH SCHOOL, CHERAI,
ERNAKULAM DISTRICT,
RESIDING AT PUTHUSSERY HOUSE, NARAKAL (P.O.) ,
ERNAKULAM DISTRICT, PIN 682505.

- 2 JOSE JOSEPH,
U.P SCHOOL ASSISTANT, (SELECTION GRADE) ,
L.F.H.S, CHEMMALAMATTOM, KOTTAYAM DISTRICT,
RESIDING AT PANTHAPLACKAL HOUSE, CHETTUTHODE,
KOTTAYAM DISTRICT, PIN - 686508.
- 3 CELINAMMA THOMAS,
HIGH SCHOOL ASSISTANT (MALAYALAM) (SELECTION GRADE) ,
ST. JOHNS HIGH SCHOOL, KAYYOOR, KOTTAYAM DISTRICT,
PIN -696651
- 4 TOMY SEBASTIAN,
HEADMASTER, ST. JOHN'S HIGH SCHOOL, KANJIRATHANAM,
KOTTAYAM DISTRICT,
RESIDING AT THEKKEKKUTT HOUSE, MANALUNKAL P.O.,
KOTTAYAM DISTRICT-686503.

BY ADV. SRI.SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1889/2018, WA.1817/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1785 of 2018

AGAINST THE JUDGMENT IN WP(C) 22495/2017 DATED 14.08.2017
OF HIGHCOURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001
- 2 DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695001.
- 3 DEPUTY DIRECTOR OF EDUCATION, IDUKKI,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
IDUKKI DISTRICT-685001
- 4 DISTRICT EDUCATIONAL OFFICER,
THODUPUZHA-685584.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE.

RESPONDENT/PETITIONER IN WPC:

SPEENI STEPHEN, W/O. M.C JOHN,
HIGH SCHOOL ASSISTANT (RETIRED),
ST.AUGUSTINE'S HIGH SCHOOL, KARIMKUNNAM, THODUPUZHA,
RESIDING AT MOOLAKKATTU HOUSE, THODUPUZHA P.O.,
IDUKKI DISTRICT, PIN - 685 584

BY ADV.SRI.PAULSON THOMAS.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1890/2018, WA.1783/2018, WA.1889/2018, WA.1817/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1791 of 2018

AGAINST THE JUDGMENT IN WP(C) 30330/2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695001.
- 2 THE SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.
- 3 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, PIN - 695 001.
- 4 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM, PIN - 695 039.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 GEORGE JOSEPH,
HEAD MASTER, ST.GEORGE HIGH SCHOOL, KOOTTICKAL,
KOTTAYAM DISTRICT,
RESIDING AT CHETTAKARIKKAL HOUSE, KONDOOR,
ARUVITHARA (P.O), PIN 686125.

- 2 SIBY ANTONY,
 H.S.A. (MATHEMATICS) ,
 ST.AUGUSTINE'S HIGH SCHOOL,
 RAMAPURAM KOTTAYAM DISTRICT,
 RESIDING AT THEKKEDATH HOUSE,
 KALLOORKKAD (P.O.) ,
 PIN - 685 587.
- 3 PAUL THOMAS
 HEADMASTER,
 LFHS, CHEMMALAMATTOM,
 KOTTAYAM DISTRICT,
 RESIDING AT KAROTEMPREL HOUSE,
 PINNAKKANAD ,
 KALAKETTY (P.O.) , PIN - 686 508.
- 4 PAULIN PETER
 H.S.A. (MATHEMATICS) ,
 ST.ANTONY HS, VELLIKKULAM,
 KOTTAYAM DISTRICT,
 RESIDING AT AYATHAMATTAM HOUSE,
 KALAKETTY (P.O.) ,
 PIN - 686 508.
- 5 ANIAMMA MATHEW
 H.S.A. (MATHEMATICS) ,
 ST.MARY HSS, BHARANANGANAM,
 KOTTAYAM DISTRICT,
 RESIDING AT PADAVIL HOUSE,
 KIZHAPARAYAR (P.O.) ,
 PIN - 686 578.
- 6 REJI JOSE
 H.S.A. (MATHEMATICS) ,
 ST.GEORGE HS, ARUVITHARA,
 KOTTAYAM DISTRICT,
 RESIDING AT MOONNANAPPALLIL HOUSE,
 THIDANADU (P.O.) , PIN - 686 123.
- 7 KRISHNAN V.N.
 H.S.A. (PHYSICAL SCIENCE) ,
 HSS, SREEKRISHNAPURAM
 (UNDER MANNARKKAD DEO) ,
 PALAKKAD DISTRICT,
 RESIDING AT NEDUMBALLI MANA,
 SREEKRISHNAPURAM (P.O.) ,
 PIN - 679 513.

8 PRIVATE SCHOOL GRADUATE TEACHERS ASSOCIATION
KERALA (PGTA KERALA) ,
REPRESENTED BY ITS GENERAL SECRETARY,
SUDHEER CHANDRAN,
S.T.H.S., KIZHAKKUMBHAGOM,
KIZHAKKUMBHAGOM (P.O.) ,
THIRUVALLA,
PATHANAMTHITTA DISTRICT.

BY ADV. SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1897/2018, WA.1942/2018, WA.1895/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1801 of 2018

AGAINST THE JUDGMENT IN WP(C) 35823/2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM PIN 695001
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.
- 3 THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM, PIN-695001.
- 4 THE ACCOUNTANT GENERAL (A AND E), KERALA,
THIRUVANANTHAPURAM, PIN-695039.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 SUNNY CHERIAN, S/O P.C. CHERIAN,
HEADMASTER (RETIRED), ST. MARY'S L.P SCHOOL,
VALIAKUMARAMANGALAM,
RESIDING AT KADIYAMKUTTIYIL HOUSE, KADAPLAMATTOM,
KOTTAYAM DISTRICT PIN 686 571.

- 2 MAMMACHAN JOSEPH, S/O.K M JOSEPH,
HSA (RETIRED), ST.MARY'S HSS, BHARANANGANAM,
RESIDING AT KUTTIYANICKAL HOUSE, MELAMPARA(PO) ,
BHARANANGANAM, KOTTAYAM DISTRICT, PIN-686578.
- 3 THRESIAMMA E M, W/O.GEORGE PHILIP,
H.S.A.(RETIRED) , ST.THOMAS HS, MARANGATTUPILLY,
RESIDING AT KADUKAPPILLI HOUSE,
PALACKATTUMALA(PO) , KOTTAYAM DISTRICT, PIN-686635.
- 4 N.A.JOHN, S/O.ABRAHAM,
H.S.A.(SELECTION GRADE) (RETIRED) ,
O.L.L. HIGH SCHOOL, UZHAVOOR, RESIDING AT NIRAVATH
HOUSE, MONIPPALLY(PO) ,
KOTTAYAM DISTRICT, PIN-686636.

BY ADV. SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1804 of 2018

AGAINST THE JUDGMENT IN WP(C).NO.35868 OF 2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001
- 3 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM, PIN-695001
- 4 THE ACCOUNTANT GENERAL (A AND E), KERALA,
THIRUVANANTHAPURAM, PIN-695001
- 5 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, PIN-695001

BY SR.GOVT. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 LALIAMMA VARGHESE
PRINCIPAL (RETIRED), ST. MICHAEL'S HSS,
KUDEVCHOOR, VAIKKOM, KOTTAYAM DISTRICT,
RESIDING AT THAREPPARAMBIL HOUSE, AMBIKA MARKET PO,
VAIKKOM, KOTTAYAM DISTRICT, PIN-686144.

- 2 PIOUSKUTTY A.V
 PRINCIPAL (RETIRED), EMMANUEL H.S.S.,
 KOTHANALLOOR P.O, KOTTAYAM DISTRICT,
 RESIDING AT ARUVELIL HOUSE, MARANGATTUPILLY P.O,
 KOTTAYAM DISTRICT, PIN-686635.

- 3 GRACEAMMA JOSEPH,
 PRINCIPAL (RETIRED), ST. GEORGE H.S.S., ARUVITHURA,
 RESIDING AT ARAKKAPARAMBIL HOUSE, RAMAPUZHA BAZAR
 P.O, KOTTAYAM DISTRICT, PIN-686576

BY ADV. SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1809 of 2018

AGAINST THE JUDGMENT IN WP(C) 34321/2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.
- 3 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, PIN-695 001.
- 4 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM, PIN-695 039.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 GEORGEKUTTY JOSE
HSA (SOCIAL SCIENCE), A M H S, KALAKETTY,
KALAKETTY P O, KANJIRAPPALLY, KOTTAYAM DISTRICT,
RESIDING AT KARAKATTU HOUSE, KAPPADU P O,
KALAKETTY , KOTTAYAM DISTRICT-686 508.

2 LILLY JOSEPH
 U.P.S.A., A.M.H.S., KALAKETTY, KALAKETTY P.O.,
 KANJIRAPPALLY, KOTTAYAM DISTRICT,
 RESIDING AT KANJIRAMATTATHIL HOUSE,
 CHEMMALAMATTOM P.O., MEENACHIL TALUK,
 KOTTAYAM DISTRICT, PIN-686 529.

 BY ADV.SRI.SIJI ANTONY.

 THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1817 of 2018

AGAINST THE JUDGMENT IN WPC.2055 OF 2017 DATED 14.08.2017 OF
HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM PIN 695001
- 3 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM PIN 695001
- 4 THE ACCOUNTANT GENERAL (A AND E), KERALA,
THIRUVANANTHAPURAM PIN 695039

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 GEORGE T.U., AGED 55 YEARS
HEADMASTER, VJUP SCHOOL, CHALASSERY,
RESIDING AT THURACKAL, EZHUMUTTOM, THODUPUZHA,
IDUKKI DISTRICT, PIN - 685605
- 2 KOCHUTHRESIA JACOB,
HEADMISTRESS, ST.MARY'S UP SCHOOL, NEDIASALA,
RESIDING AT MANCHERIL HOUSE, VAZHITHALA,
VAZHITHALA, IDUKKI DISTRICT, PIN 685583.

3 TOMY JOSE, LPSA (SEL GR),
ST THOMAS LPS, MARANGATTUPALLY,
RESIDING AT ENNAMPRAYIL HOUSE,
PAKALOMATTOM P.O., KURAVILANGAD,
KOTTAYAM DT., PIN 686631

BY ADV. SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1827 of 2018

AGAINST THE JUDGMENT IN WP(C) 13153/2017 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS 1 TO 5 & ADDL.5TH RESPONDENT IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
- 2 THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY,
THIRUVANANTHAPURAM
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
THEVALLY P.O,
KOLLAM 691 009
- 4 THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA,
KOLLAM 691 505
- 5 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM PIN 695 039
- 6 THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT,
GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENT/PETITIONER:

LIZY.G., W/O M.C. MATHEW,
H.S.A. (SOCIAL SCIENCE), RETIRED,
ST. JOHN'S V.H.S.S. UMMANNOOR, KOTTARAKKARA, KOLLAM,
RESIDING AT THUNJATHUTHUNDUVILA VEEDU,
UMMANNOOR P.O, KOTTARAKKARA, KOLLAM.

BY ADV. SRI.K.V.ANIL KUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1897/2018, WA.1942/2018, WA.1895/2018,
WA.1791/2018, WA.1779/2018, WA.1974/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1838 of 2018

AGAINST THE JUDGMENT IN WP(C) 24017/2016 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
 REPRESENTED BY THE SECRETARY TO GOVERNMENT,
 FINANCE DEPARTMENT,
 SECRETARIAT,
 THIRUVANANTHAPURAM,
 PIN 695001
- 2 THE SECRETARY TO GOVERNMENT,
 HIGHER EDUCATION DEPARTMENT,
 SECRETARIAT,
 THIRUVANANTHAPURAM,
 PIN-695 001
- 3 THE DIRECTOR OF COLLEGIATE EDUCATION,
 DIRECTORATE OF COLLEGIATE EDUCATION,
 VIKAS BHAVAN,
 THIRUVANANTHAPURAM,
 PIN-695 033
- 4 THE ACCOUNTANT GENERAL (A AND E) KERALA,
 THIRUVANANTHAPURAM,
 PIN-695 001

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE.

RESPONDENT/PETITIONER IN WPC:

JOSE.P.MATTAM
(RETIRED PRINCIPAL,
ST. THOMAS COLLEGE OF TEACHER EDUCATION, PALA),
RESIDING AT MATTATHIL,
KOZHUVANAL PO,
KOTTAYAM DISTRICT, PIN 686573.

BY ADV. SRI.SAJU JOHN.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1785/2018,
WA.1890/2018, WA.1783/2018, WA.1889/2018, WA.1817/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1851 of 2018

AGAINST THE JUDGMENT IN WP(C) 4433/2017 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS 1 TO 3:

- 1 STATE OF KERALA,
DEPARTMENT OF FINANCE (PENSION B) DEPARTMENT,
REPRESENTED BY ADDITIONAL CHIEF SECRETARY (FINANCE)
SECRETARIAT,
THIRUVANATHAPURAM,
PIN-695001
- 2 THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM,
PIN-695001.
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM,
PIN-686001.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONER & RESPONDENTS 4 & 5 IN WPC:

- 1 ANCY PETER,
ASSOCIATE PROFESSOR (RETIRED)
ST ALOYSIUS COLLEGE ,
EDATHUA
- 2 THE PRINCIPAL,
ST.ALOYSIUS COLLEGE, EDATHUA,
KOTTAYAM DISTRICT, PIN-686001.

3 THE HEADMASTER,
MOUNT CARMEL GIRLS HIGH SCHOOL, KANHIKUZHY P.O.,
KOTTAYAM, PIN-686004

R1 BY ADVS.
SMT.V.A.HARITHA
SRI.K.ARJUN VENUGOPAL
SRI.P.CHANDRASEKHAR
SRI.SOORAJ T.ELENJICKAL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1235/2018, WA.1838/2018, WA.1785/2018,
WA.1890/2018, WA.1783/2018, WA.1889/2018, WA.1817/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1852 of 2018

AGAINST THE JUDGMENT IN WP(C) 6232/2017 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN-695 001.
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM,
PIN-695001
- 3 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM,
PIN-695001.
- 4 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM,
PIN-695039.

BY SR.GOVT. PLEADER SRI.A.J.VARGHESE.

RESPONDENT/PETITIONER IN WPC:

THANKAMMA ABRAHAM, W/O CHERIAN SCARIA,
HEADMISTRESS (RETIRED.), U.P.SCHOOL KOLLAMULA,
MUKKOOTTATHARA P.O., RANNY, PATHANAMTHITTA,
RESIDING AT THAKIDIVADAKKETHIL HOUSE, KOLLAMOOLA,
CHIHENTHARA P.O., PATHANAMTHITTA DISTRICT,
PIN 686 510

BY ADV. SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1871 of 2018

AGAINST THE JUDGMENT IN WP(C) 39076/2016 DATD 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM - 686 001.
- 2 DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN,
THIRUVANANTHAPURAM-695001.
- 3 STATE OF KERALA,
REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY TO
THE GOVERNMENT,
HIGHER EDUCATION (F) DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM 695001.
- 4 THE ACCOUNTANT GENERAL (A E) ,
INDIAN AUDIT ACCOUNTS DEPARTMENT,
OFFICE OF THE ACCOUNTANT GENERAL (A E) ,
THIRUVANANTHAPURAM-695001.

BY SR.GOVT. PLEADER SRI.A.J.VARGHESE

RESPONDENT/PETITIONER IN WPC:

K.C. JOSEPH, S/O.K.V.CHACKO,
ASSOCIATE PROFESSOR (RETD),
DEPARTMENT OF CHEMISTRY,
ST.JOSEPHS COLLEGE, MOOLAMATTOM,
RESIDING AT KOONAMKUNNEL, AO JOSEPH ROAD,
PALA P.O., KOTTAYAM - 686 575.

BY ADV. SRI.S.MUHAMMED HANEEFF

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1235/2018, WA.1851/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1889 of 2018

AGAINST THE JUDGMENT IN WP(C) 57/2017 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS 1, 2, 4 & 5 IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
(FINANCE AND EXPENDITURE) ,
SECRETARIAT, THIRUVANANTHAPURAM
- 2 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM
- 3 THE DIRECTOR,
HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM 695 001.
- 4 THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS & 3RD RESPONDENT:

- 1 DR.JOSEPH SKARIAH,
ASSISTANT PROFESSOR, DEPARTMENT OF MALAYALAM,
ST. BERCHMANS' COLLEGE, CHANGANASSERY,
KOTTAYAM DISTRICT - 686 101.

- 2 DR. JOSH Y JOSE,
ASSISTANT PROFESSOR,
DEPARTMENT OF PHYSICS, ST. BERCHMANS COLLEGE,
CHANGANASSERY, KOTTAYAM DISTRICT 686 101
- 3 VIPIN CHERIAN,
ASSISTANT PROFESSOR,
DEPARTMENT OF ENGLISH,
ST. BERCHMANS COLLEGE, CHANGANASSERY,
KOTTAYAM DISTRICT 686 101
- 4 JOHNSON K. JOICE,
ASSISTANT PROFESSOR,
DEPARTMENT OF MALAYALAM, ST. BERCHMANS COLLEGE,
CHANGANASSERY, KOTTAYAM DISTRICT 686 101
- 5 JUSTIN JOHN,
ASSISTANT PROFESSOR,
DEPARTMENT OF PHYSICS, ST. BERCHAMNS COLLEGE,
CHANGANASSERY, KOTTAYAM DISTRICT 686 101.
- 6 THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY,
UNIVERSITY BUILDING, PRIYADARSINI HILLS,
ATHIRAMPUZHA, KOTTAYAM 686 560.

ADV.SRI.M.V.S.NAMPOOTHIRI FOR R1 TO R5
BY ADV. SRI.ASOK M. CHERIAN, SC, M.G. UNIVERSITY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1817/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1890 of 2018

AGAINST THE JUDGMENT IN WP(C) 30575/2016 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695001
- 2 THE SECRETARY,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695 001.
- 3 THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN 695 001.
- 4 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM, PIN 695 001.
- 5.THE ACCOUNTANT GENERAL (A&E) KERALA,
THIRUVANANTHAPURAM, PIN - 695 039.

BY SR.GOVT. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 SHAJI N RAJ,
ASSISTANT PROFESSOR IN COMPUTER SCIENCE,
S.A.S.S.N.D.P. YOGAM COLLEGE,
KONNI, RESIDING AT SKR BHAVAN,
VELLALLOOR PO, KILIMANOR,
THIRUVANANTHAPURAM, PIN 695601

- 2 DR.MANOJ G.S., ASSISTANT PROFESSOR,
DEPARTMENT OF BOTANY, V.T.M.N.S.S.COLLEGE,
DHANIVACHAPURAM, THIRUVANANTHAPURAM DISTRICT,
RESIDING AT NISHANTH, T.C.28/2666,
CHETTIKULANGARA, THIRUVANANTHAPURAM-1.
- 3 SUDHEESH KUMAR J,
ASSISTANT PROFESSOR IN POLITICAL SCIENCE,
M.G COLLEGE, THIRUVANANTHAPURAM,
RESIDING AT NANDANAM, KOONAYIL PARAVOOR P.O,
KOLLAM DISTRICT, PIN 691 301.
- 4 DR.S.S USHA,
ASSISTANT PROFESSOR, DEPARTMENT OF BOTANY,
S.N COLLEGE, SIVAGIRI, SREENIVASAPURAM P.O,
VARKALA, THIRUVANANTHAPURAM,
RESIDING AT AISWARYA, A8, TC. 55/285,
AMRUTHA NAGAR KAIMANAM, PAPPANAMCODE P.O,
THIRUVANANTHAPURAM, PIN 695 018.
- 5 DR. SUMA S,
ASSISTANT PROFESSOR IN CHEMISTRY,
SREENARAYANA COLLEGE, KOLLAM,
RESIDING AT INDEEVARAM, 82A, DARSHANA NAGAR,
PATTATHANAM P.O, KOLLAM DISTRICT.
- 6 DR. DHANYA VISWAM,
ASSISTANT PROFESSOR IN COMMERCE, M.G COLLEGE,
THIRUVANANTHAPURAM, RESIDING AT SUVARNA,
A.R.R SCHOOL ROAD, NETTAYAM P.O,
THIRUVANANTHAPURAM-13.
- 7 DR. S. JAYADEV,
ASSISTANT PROFESSOR IN COMMERCE,
M.G COLLEGE, THIRUVANANTHAPURAM,
RESIDING AT SUVARNA, A.R.R SCHOOL ROAD,
NETTAYAM P.O, THIRUVANANTHAPURAM-13.

BY ADV. SRI.SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1783/2018, WA.1889/2018, WA.1817/2018,
WA.1852/2018, WA.1809/2018, WA.1804/2018, WA.1801/2018,
WA.1897/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1895 of 2018

AGAINST THE JUDGMENT IN WP(C) 27438/2016 DATED 14.08.2017
OF HIGH COURT

APPELLANTS/RESPONDENTS IN WPC:

- 1 DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
VAYASKARAKUNNU P.O,
NEAR FIRE STATION,
KOTTAYAM.
- 2 DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN,
THIRUVANANTHAPURAM-695001.
- 3 STATE OF KERALA,
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HIGHER EDUCATION (F) DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 4 ACCOUNTANT GENERAL (A AND E) ,
INDIAN AUDIT AND ACCOUNTS DEPARTMENT,
OFFICE OF THE ACCOUNTANT GENERAL (A AND E)
THIRUVANANTHAPURAM-695001.

BY SR.GOVT. PLEADER SRI.A.J.VARGHESE.

RESPONDENT/ PETITIONER IN WPC:

JOSEPH JUSTINE,
ASSOCIATE PROFESSOR (RETIRED) ,
ST.JOSEPHS COLLEGE, MOOLAMATTOM,
RESIDING AT MATTEL HOUSE, ARAKULAM P.O, PIN 685591.

BY ADV. SRI.S.MUHAMMED HANEEFF

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1897/2018, WA.1942/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

W.A.No.1897 of 2018

AGAINST THE JUDGMENT IN WP(C) 40033/2016 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT,
FINANCE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695 001.
- 2 THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 3 THE DIRECTOR OF COLLEGIAT EDUCATION,
VIKAS BHAVAN,
THIRUVANANTHAPURAM,
PIN - 695 001.
- 4 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
DIRECTORATE OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM, PIN - 695 001.
- 5 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM, PIN - 695 039.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENTS/PETITIONERS IN WPC:

- 1 DR.SELVY XAVIER, W/O.JOHN GEORGE,
ASSISTANT PROFESSOR IN ENGLISH,
BASELIUS COLLEGE, KOTTAYAM,
RESIDING AT ERANIAKULATHIL, ST.PHILOMNEAS SCHOOL,
ELANJ P.O., ERNAKULAM DISTRICT, PIN - 686 665.
- 2 DR.JAISON P.JACOB,
S/O. CHACKO, ASSISTANT PROFESSOR IN ENGLISH,
DEVA MATHA COLLEGE, KURAVILANGAD,
RESIDING AT PLAKIEL HOUSE, MANJOOR (PO) ,
KOTTAYAM DISTRICT, KERALA, PIN-686603.
- 3 DEEPA S., W/O. M.S.VENUKUMAR,
ASSISTANT PROFESSOR IN PHYSICS,
MAR ATHANESIOUS COLLEGE, KOTHAMANGALAM,
ERNAKULAM DISTRICT, KERALA PIN-686691.

BY ADVS.SRI.P.M.JOSEPH
SRI.R.S.HARI KUMAR
SRI.P.S.SAJEEV (CHIRAYIL) .

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1942/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1942 of 2018

AGAINST THE JUDGMENT IN WP(C) NO.3685/2017 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT,
FINANCE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695001
- 2 THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695001
- 3 THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM 695001
- 4 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM 695001
- 5 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM 695001

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE.

RESPONDENTS/PETITIONERS IN WPC:

- 1 JAMALUDEEN M, S/O. MUHAMMED,
HSS TEACHER, POLITICAL SCIENCE
(SELECTION GRADE RETIRED),
FAROOK HSS, FAROOK COLLEGE P.O, KOZHIKODE DISTRICT,
RESIDING AT BISMILLAH, VADAKKEVILA NAGAR, C-40/3,
VADAKKEVILA P.O, KOLLAM DISTRICT, 691010
- 2 SHERLY K KARUTHEDAM, W/O PETER MATHEW V,
LPS(RTD), ST JOANNAS LPSA UZHAVOOR, UZHAVOOR P O,
KOTTAYAM DISTRICT,
RESIDING AT VELIMATTATHIL, VELIYANNOOR P O,
KOTTAYAM DISTRICT 6860634

BY ADV. SRI.SIJI ANTONY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1897/2018, WA.1895/2018, WA.1791/2018,
WA.1779/2018, WA.1974/2018, WA.1827/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 04TH DAY OF JULY 2019 / 13TH ASHADHA, 1941

WA.No.1974 of 2018

AGAINST THE JUDGMENT IN WP(C) 17124/2017 DATED 14.08.2017
OF HIGH COURT.

APPELLANTS/RESPONDENTS 1 TO 9 & ADDL.10TH RESPONDENT IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM
PIN 695001
- 2 THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY,
THIRUVANANTHAPURAM, PIN-695014.
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
THEVALLY.P.O.,
KOLLAM - 691009.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
PUNALUR, PUNALUR.P.O.,
KOLLAM.
- 5 THE ASSISTANT EDUCATIONAL OFFICER,
PERINTHALMANNA, PERINTHALMANNA.P.O.,
MALAPPURAM DISTRICT.
- 6 THE DISTRICT EDUCATIONAL OFFICER,
PATHANAMTHITTA,
PATHANAMTHITTA.P.O.

- 7 THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA, KOTTARAKKARA.P.O.,
KOLLAM, PIN-691506.
- 8 THE DISTRICT EDUCATIONAL OFFICER, KOTHAMANGALAM,
KOTHAMANGALA.P.O., ERNAKULAM.
- 9 THE ACCOUNTANT GENERAL (A AND E) KERALA,
THIRUVANANTHAPURAM, PIN-695039.
- 10 THE PRINCIPAL SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

BY SR.GOV'T. PLEADER SRI.A.J.VARGHESE

RESPONDENT/ PETITIONER IN WPC:

SAMUELKUTTY, S/O LATE OOMMAN Y,
RETIRED HEADMASTER, MARTHOMA SCHOOL,
CHANNAPETTAH P.O, ANCHAL, KOLLAM DISTRICT,
RESIDING AT ELLUVILA VEEDU, PARAMKODE,
ODANAVATTOM P.O, KOLLAM - 691512

BY ADV. SRI.K.V.ANIL KUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04.07.2019,
ALONG WITH WA.1851/2018, WA.1235/2018, WA.1838/2018,
WA.1785/2018, WA.1890/2018, WA.1783/2018, WA.1889/2018,
WA.1817/2018, WA.1852/2018, WA.1809/2018, WA.1804/2018,
WA.1801/2018, WA.1897/2018, WA.1942/2018, WA.1895/2018,
WA.1791/2018, WA.1779/2018, WA.1827/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

“C.R.”

JUDGMENT

[WA 1235/2018, WA.1779/2018, WA.1783/2018,
WA.1785/2018, WA.1791/2018, WA.1801/2018,
WA.1804/2018, WA.1809/2018, WA.1817/2018,
WA.1827/2018, WA.1838/2018, WA.1851/2018,
WA.1852/2018, WA.1871/2018, WA.1889/2018,
WA.1890/2018, WA.1895/2018, WA.1897/2018,
WA.1942/2018, WA.1974/2018]

Dated, this the 04th day of July, 2019.

Vinod Chandran, J.

The question arising in these appeals against the common judgment in the writ petitions is limited. The limited question is, as to whether provisional service in an aided school, on leave vacancy can be counted for pension when the said incumbent later joins regular service in an aided college or an aided school. The learned Single Judge found the same to be permissible. The learned Single Judge is said to have distinguished a Division Bench judgment in Alizuamma v. Accounts Officer, Office of the Accountant General [2013 (4) KLT 53]. The learned Senior Government Pleader submits that the issue is squarely covered by the Division Bench decision of this Court which categorically held that no claim for treating the period of service in a leave vacancy, for the purpose of pension, can be entertained. The Government Orders set aside by the

learned Single Judge ought to have been sustained, is the contention.

2. We notice from the impugned judgment that there were two sets of writ petitions; (i) retired aided school teachers who had earlier worked in aided schools in broken spells on leave vacancies; and (ii) retired teachers of private colleges, obviously under the direct payment agreement, who also likewise worked in aided schools as leave substitutes. They asserted that the Kerala Service Rules by Rule 14E provided for counting of such broken service even in leave vacancies.

3. We find from a reading of the judgment in Alizuamma that there was no reason to have distinguished the said judgment of the Division Bench which was authored by one of us [K.Vinod Chandran,J.]. Therein, the teacher was appointed regularly as Upper Primary School Assistant ["UPSA" for short] in an aided school in 1981 and had about 17 years regular service when she retired in 1998. Prior to joining regular service, she had service of various broken periods in aided schools, between 1974 and 1981. The teacher claimed that since she had broken spells of service within a period of 7 years, the entire 7 years have to be reckoned for the purpose of pension. Hence, the teacher

claimed for 24 years qualifying service while the Government granted only 20 years. Government took 17 years regular service and computed the period of actual service on leave vacancies. Obviously in the said case the period of leave vacancy, was reckoned for the purpose of pension.

4. Again, the Government seems to be labouring under a misapprehension that the Division Bench found that there can be no claim entertained for treating the service in leave vacancies as qualifying service for pension. The Division Bench specifically found that under Rule 31 of Kerala Service Rules ["KSR" for brevity] Part III, there could be no reckoning of the period spent in a leave vacancy for qualifying service. This was since Rule 31 spoke of interruptions in service, which service contemplated was found to be regular service. However, the Division Bench itself referred to Rule 14E of Part III KSR, by which aided school service put in by Government employees, prior to entry in Government service, qualifies for pension.

5. We also notice paragraph 4 of the aforesaid decision, which found a distinction insofar as Rule 31 and Rule 14E. Reliance can also be placed on Government

Decision No.8 under Rule 14E, which was extracted by the Division Bench and which is as follows:

- "8(i) The benefit of counting periods of break as per Note 3 below R.31, Part III, Kerala Service Rules will be allowed in cases where the appointment before the break was not provisional or for limited period and the break was due to reduction of staff strength of the institution.
- (ii) In cases covered by (i) above the actual period of service excluding the periods of break will be reckoned for qualifying service.
- (iii) In cases covered by (i) above the certificate that termination of appointment was due to reduction of staff strength of the institution should be countersigned by the pension sanctioning authority or Head of the Departments".

Government Decision No.8(i) extracted above specifically referred to Note 3 below Rule 31 and again reckoned only regular service, even if there was a break. For example, due to reduction of staff strength in the institution. However Decision No.8(ii) specifically spoke of cases not covered by (i) in which the actual period of service excluding the periods of break would be reckoned for qualifying service. This is what was granted by the Government to the teacher in Alizuamma and also allowed by

the learned Single Judge in the common judgment. We, hence, find no reason to interfere with the impugned judgment on the ground that the learned Single Judge could not have distinguished Alizuamma. We find that Alizuamma also advanced the same proposition.

The writ appeals would stand dismissed. No costs.

Sd/-

K.VINOD CHANDRAN

JUDGE

Sd/-

V.G.ARUN

JUDGE

Vku/-

[true copy]

APPENDIX OF WA 1235/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE I	TRUE COPY OF JUDGMENT DATED 18/01/2008 IN O.P.NO.17763/1999.
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RESPONDENTS' ANNEXURE/S:

ANNEXURE R1 (a)	TRUE COPY OF G.O.(P) NO.21/2018/FIN. DATED 16.02.2018 ISSUED BY THE FIRST RESPONDENT.
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ANNEXURE R1 (b)	TRUE COPY OF G.O.(P) NO.47/2018/FIN. DATED 21.03.2018 ISSUED BY THE 1ST RESPONDENT
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ANNEXURE R1 (c)	TRUE COPY OF S.R.O.572/2018 ISSUED AS G.O.(P) NO.128/2018/FIN. DATED 10.08.2018 ISSUED BY THE APPELLANT.
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APPENDIX OF WA 1791/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE I

TRUE COPY OF JUDGMENT DATED 18/01/2008 IN
O.P.NO.17763/1999.

APPENDIX OF WA 1801/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE I

TRUE COPY OF JUDGMENT DATED 18.1.2008 IN
O.P.NO.17763/1999.

APPENDIX OF WA 1817/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE 1

**TRUE COPY OF JUDGMENT DATED 18.1.2008 IN OP
NO 17763/1999**

APPENDIX OF WA 1827/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE 1

TRUE COPY OF THE JUDGMENT DATED 18-01-2008
IN O.P NO. 17763/1999

APPENDIX OF WA 1838/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE I

TRUE COPY OF JUDGMENT DAD 18.01.2008 IN
O.P.NO.17763/1999

APPENDIX OF WA 1889/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE 1

TRUE COPY OF JUDGMENT DATED 18-01-2008 IN
O.P NO. 17763/1999

APPENDIX OF WA 1897/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE- I

TRUE COPY OF JUDGMENT DATED 18.01.2008 IN
O.P.NO.17763/1999.

APPENDIX OF WA 1974/2018

APPELLANTS' ANNEXURE/S:

ANNEXURE I

**TRUE COPY OF JUDGMENT DATED 18.1.2008 IN
O.P.NO.17763/1999.**

[true copy]