

(2014) 02 KL CK 0039

High Court Of Kerala

Case No: WA. No. 1744 of 2009 in WP (C). 11803/2006

State of Kerala

APPELLANT

Vs

C.V. Issac

RESPONDENT

Date of Decision: Feb. 19, 2014**Hon'ble Judges:** T.B. Radhakrishnan, J; A. Muhamed Mustaque, J**Bench:** Division Bench**Advocate:** T.T. Muhamood, Spl. Government Pleader, Advocate for the Appellant;
Abraham Vakkanal (Sr.) and Sri. Paul Abraham Vakkanal, Advocates for R1 and R2,
Advocate for the Respondent**Final Decision:** Dismissed

Judgement

Thottathil B. Radhakrishnan, J.

We have heard the learned Special Government Pleader on behalf of the appellant, State. Respondents are the petitioners in the writ petition, from which this appeal arises. They are Principals of Aided Higher Secondary Schools.

2. The question whether the Higher Secondary Schools can work without a Principal is no more res integra in view of the decision of this Court in [Aided Higher Secondary School Teachers Association Vs. State of Kerala](#), .

3. Now, reverting to the facts, it can be seen that the first writ petitioner was selected and appointed as Principal before Chapter XXXII was introduced in KER. That selection was done by a duly constituted select committee and the first writ petitioner is entitled to have his appointment as Principal approved with effect from 26.07.2000, the date of such selection. As far as the second writ petitioner is concerned, the selection committee met on 23.09.2004 and he was selected. That selection was after Chapter XXXII was introduced in KER. He was discharging duties of Principal even before that. Therefore, the learned single Judge has held that he is entitled to have his appointment as Principal approved at least with effect from 23.09.2004. The consequential directions do not give the petitioners any particular

pay scale otherwise than what is due to them by virtue of such appointment. The terminal benefits were also ordered to be calculated and released accordingly. We find no legal infirmity or error in the impugned judgment. Writ appeal, therefore, fails.

In the result, this writ appeal is dismissed.