

State of Kerala Vs C.V. Issac

Court: High Court Of Kerala

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.