

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Con.Case(C).No. 708 of 2015 (S) IN OP(KAT).29/2015

JUDGMENT IN OP(KAT) 29/2015 of HIGH COURT OF KERALA
DATED 25-02-2015

PETITIONER(S) :

PREETHA K., AGED 34 YEARS
W/O.SAJU S., RESIDING AT S.S.SADANAM, MUHAMMA PO
ALAPPUZHA, HSST CHEMISTRY, GHSS BEKAL
KASARAGOD-670 114.

BY ADVS.SRI.J.OM PRAKASH
SMT.NISHA BOSE

RESPONDENT(S) :-

1. V.S.SENTHIL, IAS,
(AGE AND FATHERS NAME ARE NOT KNOWN TO THE PETITIONER)
PRESENTLY WORKING AS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. K.N.SATHEESH, IAS,
(AGE AND FATHERS NAME ARE NOT KNOWN TO THE PETITIONER)
PRESENTLY WORKING AS DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM-695 001.

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

COC.NO.708 OF 2015

APPENDIX

PETITIONER'S EXHIBITS :-

ANNEXURE A1 :- TRUE COPY OF CERTIFIED COPY OF JUDGMENT IN OP (KAT) 29/2015 DATED 25.2.2015.

ANNEXURE AII :- TRUE COPY OF REPRESENTATION OF PETITIONER DATED 12.3.2015 PRODUCED BEFORE THE GOVERNMENT.

ANNEXURE AIII :- TRUE COPY OF REPRESENTATION OF PETITIONER DATED 12.3.2015 PRODUCED BEFORE THE DIRECTOR.

ANNEXURE AIV :- TRUE COPY OF REMINDER DATED 16.5.2015 SENT BY PETITIONER TO GOVERNMENT.

ANNEXURE AV :- TRUE COPY OF REMINDER DATED 16.5.2015 SENT BY PETITIONER TO DIRECTOR.

ANNEXURE AVI :- TRUE COPY OF ORDER DATED 15.6.2015 OF 2ND RESPONDENT.

ANNEXURE AVII :- COPY OF TRANSLATION OF ANNEXURE AVI.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

Cont. Case (C) No.708 of 2015

Dated this the 29th day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

This is an application seeking to initiate contempt proceedings for non-compliance of the directions issued in the order dated 25.2.2015 in OP(KAT) No.29 of 2015.

2. The case of the petitioner is that, although the petitioner lost her case before the Kerala Administrative Tribunal, this Court observed that if the petitioner makes an appropriate request for granting a special order in her favour as well, the Government will consider such request. Pursuant to the said order, the petitioner had submitted representation on 12.3.2015 before the Government as well as the Director, which was taken for consideration and on 15.6.2015, the Director, Higher Secondary Education Department has issued a proceedings, in which, it is indicated that the petitioner was called for a personal hearing on 27.4.2015 by the Administrative Officer in Higher Secondary Education Department and on perusal of her application, it was informed to her that her request can be considered in Budhannoor school in Alappuzha, wherein there was

an open vacancy. The petitioner expressed her inability to go there. Observation has been made in the said proceedings that if she applied for general transfer in 2015-'16, her application will be considered in accordance with law.

3. From the facts which have been brought on record, it is clear that there is no willful disobedience of the order of the court. This Court never directed that a special order has to be issued in favour of the petitioner. In the order, there is only a direction to consider the request of the petitioner, if she makes such an appropriate request. Petitioner's request was considered and she was called for personal hearing.

Present is not a case of any willful contempt, for which, any proceedings can be initiated. It is hence, closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE