

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 91 of 2005 (J)

PETITIONER:

**SREEKALA.A., W/O.JAYAKUMAR,
NURSERY TEACHER, (OUT OF EMPLOYMENT FROM PERINAD
WELFARE LP SCHOOL), RESIDING AT CHARUVILA PUTHEN VEEDU
EDAVATTOM (B), VELLIMON P.O., KOLLAM DISTRICT.**

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY TO THE GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF PANCHAYAT,
THIRUVANANTHAPURAM.**
- 3. PERINAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, CHEMMAKKAD (PO), KOLLAM.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
KUNDARA.**
- 5. SMT.SMITHA, NURSERY TEACHER,
PERINAD WELFARE L.P.SCHOOL, CHEMMAKKAD (PO), KOLLAM.**

**R3 BY ADV. SRI.B.MOHANLAL
R1, R2 & R4 BY GOVERNMENT PLEADER SRI T.R. RAJESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF REPRESENTATION DATED 4.10.2004 SUBMITTED
BEFORE THE 3RD RESPONDENT**
- P2 : TRUE COPY OF REPRESENTATION DATED 30.10.2004 SUBMITTED
BEFORE THE 1ST RESPONDENT**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 91 of 2005 (J)

Dated this the 19th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that when the nursery school in which she was engaged for long was restarted, the 5th respondent was appointed.

2. The nursery school is said to have been started in the premise of Perinad Welfare L.P. School. The same was discontinued in the year 2002. The petitioner also had been working there and she lost her employment for reason that the school itself was discontinued. Subsequently, the Grama Panchayat took over the school and resumed the school.

3. The petitioner made Ext.P1 representation before the Grama Panchayat and also approached the Government by Ext.P2. However, the petitioner did not apply under the notification issued for the post of nursery teacher and 'aaya'. On resuming the operations of the nursery school,

the P.T.A. was entrusted with the administration and a copy of the notification was exhibited in the school notice board and interview is also said to have been held on 30.9.2004. The petitioner, having not applied under the same, had later approached the Panchayath and the Government with the applications.

4. Since the petitioner was not an applicant as per the notification, the petitioner cannot challenge the appointment of the 5th respondent. The petitioner does not have any preferential claim based on her engagement in the school, since, obviously, the appointment was not one under the Kerala Education Rules, 1959.

The Writ Petition, hence, would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE