

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP(KAT).No. 26 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 2124/2014 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 21-01-2015**

PETITIONER(S)/APPLICANT:

**SUBEERA O.P AGED 32 YEARS
W/O.ABDUL NISSAR.P.
VOCATIONAL INSTRUCTOR
(MAINTENANCE AND REPAIRS OF RADIO AND TELEVISION)
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL (BOYS)
KOYILANDY, KOZHIKODE DISTRICT
RESIDING AT PUTHIYAMPARA HOUSE, POONOOR, UNNIKULAM
KOZHIKODE, KERALA 673 574.**

**BY ADVS.SRI.K.JAJU BABU (SR.)
SRI.BRIJESH MOHAN**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION,
DIRECTORATE OF VOCATIONAL HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDINGS
THIRUVANANTHAPURAM - 695 001.**
- 3. SMT.SINDHU.P., AGED 33 YEARS
W/O.RIJU C.P., VOCATIONAL INSTRUCTOR IN MRRTV
GVHSS FOR BOYS, KOYILANDY
KOZHIKODE DISTRICT - 673 001, RESIDING AT SREELAKAM
CHERUPOOLANKANDY, ELANTHUR PO, PUTHIYANIRATH
KOZHIKODE - 673 001.**

**R3 BY ADV. SRI.KALEESWARAM RAJ
BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER**

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP(KAT).No. 26 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: COPY OF O.A NO.2124/2014 ALONG WITH ANNEXURES A1 TO A4 FILED BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

P2: TRUE COPY OF THE APPLICATION FOR IMPEADING FILED BY THE 3RD RESPONDENT BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL.

P3:TRUE COPY OF THE APPLICATION FILED BY THE 3RD RESPONDENT FOR VACATING THE INTERIM ORDER ALONG WITH ANNEXURE R3(A) TO R3(C) BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL.

P4: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO EXT.P3 APPLICATION FILED BY THE 3RD RESPONDENT BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL

P5: TRUYE COPY OF THE REPLY STATEMENT ALONG WITH ANNEXURE R3(D) FILED BY THE 3RD RESPONDENT TO EXT.P4 FILED BY THE PETITOINER BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL

P6: TRUE COPY OF THE APPLICATION FILED BY THE 3RD FRESPONDDENT ALONG WITH ANNEXURE R3(E) BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL

P7: TRUE COPY OF THE REPLY STATEMENT FILED BY THE 2ND RESPONDENT ALONG WITH ANNEXURE R2(A) BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.

P8: TRUE COPY OF THE REJOINDER FILED BY THE PETITIONER TO EXT.P7 IN THE KERALA ADMINISTRATIVE TRIBUNAL

P9: TRUE COPY OF THE REJOINDER FILED BY THE PETITIONER TO EXT.P5 IN THE KERALA ADMINISTRATIVE TRINUNAL

P10: TRUE COPY OF THE ORDER DATED 21/1/2015 IN O.A NO.2124/2014 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
=====

OP (KAT) No. 26 of 2015
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Dated this the 8th day of April, 2015

J U D G M E N T

Antony Dominic, J.

Heard the learned counsel for the petitioner, learned Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

2. This OP has been filed by the applicant in OA No.2124/14 on the file of the Kerala Administrative Tribunal. The petitioner and the 3rd respondent are Vocational Instructors. In the OA, the challenge was against Annexure A3 order dated 7/11/14 whereby the petitioner was transferred from Koyilandy to Trikaripur and the 3rd respondent was brought back to Koyilandy in her place. The Tribunal dismissed the OA. It is this order which is under challenge.

3. At the time of admission, this Court passed interim order permitting the petitioner to continue in the Government Vocational Higher Secondary School Boys, Koyilandy. Today, this OP was brought up at the instance of the 3rd respondent and the request made is that the order passed by this Court shall not stand in the

way of the authorities in considering the request of the 3rd respondent for transfer in accordance with the guidelines for the academic year 2015-16. When this request was made, learned counsel for the petitioner also suggested that the OP can be disposed of leaving it open to the authorities to consider any request made in terms of the guidelines for the academic year 2015-16.

4. In such circumstances, without entering into the merits of the controversy, this OP is disposed of with the following directions;

(1) Annexure A3 transferring the petitioner from Koyilandy is set aside.

(2) The setting aside of Annexure A3 will not stand in the way of the authorities in considering the request made by the 3rd respondent or the petitioner for transfer for the academic year 2015-16 in accordance with the guidelines or other Government Orders governing transfer.

(3) The order of the Kerala Administrative Tribunal will stand vacated.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge