

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

OP(KAT).No. 48 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 152/2015 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 28-01-2015

PETITIONER:

ZEENAMOL M.M, AGED 38 YEARS
HIGH SCHOOL ASSISTANT (SS)
GOVERNMENT HIGHER SECONDARY SCHOOL, THONNAKKAL
KUDAVOOR P.O., THIRUVANANTHAPURAM - 695 313.

BY ADVS.SRI.B.RAGUNATHAN
SRI.G.GOPALAKRISHNA PILLAI
SRI.M.SALIM
SRI.R.SRINATH

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM - 695 014
3. DEPUTY DIRECTOR OF EDUCATION
THIRUVANANTHAPURAM - 695 036.
4. DISTRICT EDUCATIONAL OFFICER
THIRUVANANTHAPURAM - 695 001.

R BY SENIOR GOVERNMENT PLEADER SRI.P.M.SANEER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

OP(KAT).No. 48 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE ORDER DT. 28.1.15 OF THE HON'BLE KAT IN OA NO. 152/15.

P2 - TRUE COPY OF OA NO. 152/15 ALONG WITH ANNEXURES A1 TO A3.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

SCL.

**THOTTATHIL B. RADHAKRISHNAN
&
K. HARILAL, JJ.**

O.P.(KAT) No.48 of 2015

Dated this the 24th day of February, 2015.

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the very persuasive submissions on behalf of the petitioner, who is a High School Assistant. She has been transferred from Thonnakkal in Thiruvananthapuram District to Varkala in the Thiruvananthapuram District. The crux of the issues is that she is an excess hand and there is no post to accommodate her in Thonnakkal. Though the learned counsel for the petitioner says that his client ought not to have been transferred at this point of time, we notice that the transfer is in public interest inasmuch as she is an excess hand in School at Thonnakkal and there is no post to accommodate her. The Tribunal rightly noted that if she is retained there, she will have to be paid salary from public funds without any

work for her, while this school in Varkala has an open vacancy of High School Assistant (Social Science).

Under the aforesaid circumstances, we do not see any jurisdictional error or legal infirmity in the Tribunal having dismissed the original application filed by the petitioner challenging her transfer. We see no ground to interfere under Article 227 of the Constitution of India. This original petition, therefore, fails and is dismissed.

**Sd/-
THOTTATHIL B. RADHAKRISHNAN
JUDGE**

**Sd/-
K. HARILAL
JUDGE**

Scl.