

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(KAT) .No. 103 of 2015 (Z)

AGAINST THE ORDER IN OA[EKM] NO.725/2014 of KERALA
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED
14-1-2015.

PETITIONER(S) /APPLICATNS:

1. SMT. LEELAMONY, AGED 47 YEARS,
W/O. LATE K.C.SURENDRAN, NEDUMALA HOUSE,
MOODAKOLLY P.O., SULTHAN BATHERY,
WAYANADU DISTRICT (MOBILE NO.9847982015).

2. CHITHRESH KUMAR, AGED 39 YEARS,
S/O. DAMODARAN NAIR, KALAVIKKEDATH HOUSE,
MYLAMBADI P.O., MEENANGADI,
WAYANADU DISTRICT - 673 591,
(MOBILE NO.9747756321).

BY ADVS.SRI.ABRAHAM MATHEW (VETTOOR)
SRI.SIJI ANTONY
SRI.SRI.ANIL ABEY JOSE

RESPONDENT(S) /RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE PERSONAL AND ADMINISTRATIVE
REFORMS (ADVICE) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 670 002.

3. DEPUTY DIRECTOR OF EDUCATION,
WAYANADU DEO OFFICE, CIVIL STATION,
KALPETTA - 672 121.

4. DISTRICT EDUCATIONAL OFFICER,
WAYANADU DEO OFFICE, CIVIL STATION,
KALAPETTA - 672 121.

5. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
WAYANADU PSC DISTRICT OFFICE, KALPETTA - 672 121.

6. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PSC OFFICE, PATTOM,
THIRUVANANTHAPURAM - 695 004.

R1-R4 BY SENIOR GOVERNMENT PLEADER SRI. S. JAMAL
R5 & R6 BY SRI.P.C.SASIDHARAN, SC, KPSC.

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING
COME UP FOR ADMISSION ALONG WITH OP (KAT) NO.104 OF 2015
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (KAT) .No. 103 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT. P1 - A TRUE COPY OF OA (EKM) NO. 725/2014 IN THE
FILES OF KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

EXT.P2 - A CERTIFIED COPY OF THE ORDER DT. 14.1.15 IN OA
(EKM) NO. 725/14 OF THE KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

EXT.P3 - TRUE COPY OF THE FIXATION AND EMPLOYEE DETAILS
OF GHS, KOTTATHARA DOWN LOADED FROM THE WEBSITE OF THE
2ND RESPONDENT.

EXT.P4 - TRUE COPY OF THE FIXATION AND EMPLOYEE DETAILS
OF GHS PARIYARAM DOWN LOADED FROM THE WEBSITE OF THE 2ND
RESPONDENT.

EXT.P5 - TRUE COPY OF THE FIXATION AND EMPLOYEE DETAILS
OF TRIBAL HIGH SCHOOL VALERI DOWN LOADED FROM THE WEBSITE
OF THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

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

O.P. (KAT) Nos.103 & 104 of 2015-Z

Dated this the 1st day of April, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the petitioners in these two original petitions.

2. The petitioners moved the Tribunal asserting that there are vacancies of HSA (Hindi) for appointment from the ranked list. Initially, the Tribunal passed an interim order directing to report four vacancies of HSA (Hindi). That was complied with. Later on, the Department pointed out that the vacancies asserted by the petitioners do not exist. Hence the petitioners made a different submission before the Tribunal; to the effect that certain other vacancies are actually available. The Tribunal relegated the petitioners to make representations before the Deputy Director pointing out the vacancy position as is asserted by the petitioners.

The Deputy Director was required to look into those aspects. Now, the plea of the petitioners is that the vacancies that are actually available are else where; and may be at variance with what they ultimately told the Tribunal. They plead that they may be permitted to point out those vacancies before the Deputy Director.

3. In the aforesaid view of the matter, we clarify that nothing stated in the impugned orders will stand in the way of the petitioners making appropriate representations before the Deputy Director pointing out the vacancies, which are available, according to them. The reporting of vacancies made provisionally will continue to hold good until the Deputy Director decides on such representations, if such representations are made by the petitioners within a period of three weeks from the date of receipt of a copy of this judgment.

These original petitions are ordered accordingly.

Sd/-
(**THOTTATHIL B. RADHAKRISHNAN, JUDGE**)

Sd/-
(**K. HARILAL, JUDGE**)

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P.S. to Judge

O.P. (KAT) Nos.103 & 104 of 2015

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