

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&**

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

OP(KAT).No. 234 of 2015 (Z)

**AGAINST THE JUDGMENT IN OA 1207/2015 of KERALA ADMINISTRATIVETRIBUNAL,
THIRUVANANTHAPURAM DATED 03-07-2015**

PETITIONER(S)/APPLICANTS IN THE OA:

1. **A.SHAJAHAN**
HIGH SCHOOL ASSISTANT (MALAYALAM)
GOVT.HIGHER SECONDARY SCHOOL, KILIMANOOR
RESIDING AT JARIYA, OZHUKUPARAKAL P.O, AYUR
KOLLAM, PIN-691 533.
2. **D. VIJAYAKUMARAN**
HIGHER SECONDARY SCHOOL TEACHER (MATHS)
GOVT. HIGHER SECONDARY SCHOOL, SREEPURAM, KANNUR
RESIDING AT SREESAILAM, KATTAKADA P.O
THIRUVANANTHAPURAM, PIN-695572.
3. **V. CHANDRASEKHARA PILLAI**
HIGH SCHOOL ASSISTANT (MATHS), GOVT.HIGH SCHOOL
KATTACHAKONAM, RESIDING AT PRANAVAM
MATHIRA P.O.(VIA) KADAKKAL, KOLLAM, PIN-691 536.
4. **P. BADARUSSAMAN**
HIGH SCHOOL ASSISTANT (MATHS)
SMV GOVT.MODEL HIGHER SECONDARY SCHOOL
THIRUVANANTHAPURAM, RESIDING AT SITHARA, MUNDELA P.O
VELLANAD, THIRUVANANTHAPURAM, PIN-695543.
5. **ASOKAN KIZHAKKE UKKANDANTAVIDA**
HIGH SCHOOL ASSISTANT (MATHS), MRSLBVGHSS, VAIPUR
RESIDING AT KIZHAKKE UKKANDANTAVIDA (H)
CHOKLI P.O.THALASSERY (VIA), KANNUR, PIN-670 672.
6. **SYAMALA N.**
HIGH SCHOOL ASSISTANT, GHSS AVANAVANCHERI, ATTINGAL
RESIDING AT CHARUVILA VEEDU, ARCHAL, NEDIYARA P.O.
ANCHAL, KOLLAM, PIN-691 306.
7. **ROBERT DAS D.**
HIGH SCHOOL ASSISTANT, GHSS ANAVOOR
THIRUVANANTHAPURAM, RESIDING AT RETNA VILASAM
THAKADAVILA, NILAMAMOODU, KARAKKONAM P.O
THIRUVANANTHAPURAM, PIN-695 504.

(contd....2)

8. SHAMSUDEEN S.
HIGH SCHOOL ASSISTANT, GHSS KOONTHALLOOR, CHIRAYINKIL
THIRUVANANTHAPURAM, RESIDING AT SHIJIN VILLA
KURUP LANE, MAMAM, ATTINGAL
THIRUVANANTHAPURAM, PIN-695 101.
9. SURESH BABU L.D.
HIGH SCHOOL ASSISTANT, GHSS K.S.PURAM, CLAPPANA P.O.
RESIDING AT THYMOOTIL HOUSE, KOTTACKA PURAM, CLAPPANA
KARUNAGAPPALLY, PIN-690 526.
10. RAJ KUMAR R.A.
HIGH SCHOOL ASSISTANT, GHSS POOVAR, THIRUVANANTHAPURAM
PIN-695 525.
11. PREMACHANDRAN S.K.
HIGH SCHOOL ASSISTANT, GHSS POOVACHAL, POOVACHAL P.O.
THIRUVANANTHAPURAM, RESIDING AT SREEPATHY, PONNARA
KATTAKKADA .O, THIRUVANANTHAPURAM, PIN-695 572.
12. VINOD R.
HIGH SCHOOL ASSISTANT, GBHSS, ATTINGAL
THIRUVANANTHAPURAM, RESIDING AT DEEPENDU
KARUVELIL P.O, EZHUKONE, KOLLAM
PIN-691 505.
13. SREEKUMAR K.P.
HIGH SCHOOL ASSISTANT, GHSS KODUVAZHANNOOR
THIRUVANANTHAPURAM, RESIDING AT ERATHU VEEDU, PULLAYIL
KILIMANNOOR P.O., THIRUVANANTHAPURAM, PIN-695 601.
14. RAJAPPAN K..N.
HIGH SCHOOL ASSISTANT, GHS THEKKEKKARA
RESIDING AKSHAYA, THRIKODITHANAM, CHANGANASSERY
KOTTAYAM, PIN-686105.
15. JAYAVIKRAMAN K.
HIGHER SECONDARY SCHOOL TEACHER, GDHSS CHARAMANGALAM
CHERTHALA, ALAPPUZHA
RESIDING AT KATTANKULANGARA HOUSE, KANDALLOOR
KAYAMKULAM, PIN-690 535.
16. SARNGAN P.
HIGH SCHOOL ASSISTANT, GHSS MAMANGALAM, MANGALAM P.O.
ALAPPUZHA, RESIDING AT USHUS, MAHADADEVIKAD P.O.
KARTHIKAPALLI, ALAPPUZHA, PIN-690 516.
17. SURESH BABU C.
HIGH SCHOOL ASSISTANT, GHSS CHALA, KANNOOR
RESIDING AT ARYAM, KIZHUNNA, KANNOOR
PIN-670 007.
18. CHACKO MATHAI
HIGH SCHOOL ASSISTANT, GVHSS, ANCHAL EAST
KOLLAM, RESIDING AT NIRAPPIL KOCHUMUTTATHU VEEDU
EDAMULAKKAL, KOLLAM, PIN-691 306.

(contd....2)

19. MOHANAN K.
HIGH SCHOOL ASSISTANT, GHS POOYAPPALLY, KOLLAM
RESIDING AT MS BHAVAN, MUTTARA P.O, ODANAVATTAM
KOLLAM, PIN-691 512.

20. LISA MATHEW
HIGH SCHOOL ASSISTANT, GHSS ULIKKAL, ULIKKAL P.O.
KANNOOR, RESIDING AT ENNAMPRAYIL, ULIKKAL P.O.
KANNOOR, PIN-670 705.

BY ADV. SRI.K.PRAJEEVAN

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION (C) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, KERALA -695001

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
DIRECTORATE OF PUBLIC INSTRUCTIONS, JAGATHI
THIRUVANANTHAPURAM, KERALA - 695 014.

3. RAJEEV KUMAR P.
AGED 52 YEARS, S/O.MUKUNDAN, ERITTI
HIGH SCHOOL ASST, GHSS CHAVASSERY, KANNOOR
RESIDING AT NANI NIVAS, PALAMPARAMPA, KEEZHOOR
KANNOOR, PIN-670 703.

R BY GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 19-08-2015, ALONG WITH OPKAT. 221/2015, OPKAT. 225/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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OP(KAT).No. 234 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF ORDER DATED 3.7.2015 IN O.A.NO.1207 OF 2015

**P2 - A TRUE COPY OF THE ORIGINAL APPLICATION NO.1207/2015 OF THE
KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM, WITH
ANNEXURES.**

**P3 - A TRUE COPY OF THE GOVT. LETTER DATED 8.6.2015 ISSUED TO THE
SECRETARY OF GOVT. SCHOOL TEACHERS UNION.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

**P.R.RAMACHANDRA MENON
&
BABU MATHEW P.JOSEPH, JJ.**

O.P.(KAT)No.234 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

P.R.RAMACHANDRA MENON, J

This original petition is against the dismissal of the O.A.No.1207/2015 dated 03.07.2015 passed by the learned Kerala Administrative Tribunal. The prayers raised in the original application are in the following terms:-

- "1) Call for the records leading to this case and set aside Annexure A4 Order.*
- 2) Declare that the Applicants are entitled for promotion to the post of Head master with exemption from passing the departmental test as they have crossed the age of 40 years.*
- 3) Issue order directing the respondents to issue necessary orders exempting the applicants who have crossed 50 years of age from passing the departmental test and promote them to the post of Headmaster.*
- 4) Issue such other orders or directions as this Hon'ble Tribunal may find just and proper."*

2. The original petition was admitted on 29.7.2015.

Today, when the matter came for further consideration, the learned counsel appearing for the petitioner submits, that the grievance of the petitioner has already been projected by way

of Ext.P4 before the 1st respondent, a copy of which has been produced along with I.A.No.12066/2015. The relief sought for in the connected I.A.No. 12067/2015 is to cause Ext.P4 to be considered and disposed of by the 1st respondent within a specific time.

3. Heard the Government Pleader as well. After hearing both the sides, and also in view of the submission made by the learned counsel for the petitioners, the original petition is disposed of, directing the 1st respondent to consider and pass appropriate orders on Ext.P4, in accordance with law, after affording an opportunity of hearing to the petitioners and other interested parties, if any. It shall be done at the earliest at any rate within 3 months from the date of receipt of copy of the judgment. The petitioners shall produce a copy of this judgment, along with a copy of the original petition and copies of the I.A's before the 1st respondent for further steps.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

Sd/-
BABU MATHEW.P.JOSEPH
JUDGE

//TRUE COPY//

PA TO JUDGE

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