

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WA.No. 1297 of 2012 () IN WP(C).32889/2011

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AGAINST THE ORDER/JUDGMENT IN WP(C) 32889/2011 of HIGH COURT OF KERALA
DATED 21-05-2012**

APPELLANT(S):

- 1. P.VHARSHILAL,
HIGH SCHOOL ASSISTANT(SOCIAL STUDIES),
MOIDEEN KOYA HAJI MEMORIAL MUSLIM ORPHANAGE VOCATIONAL HIGHER
SECONDARY SCHOOL FOR GIRLS, MUKKOM, KOZHIKODE DISTRICT - 673 602.**
- 2. SHAMEER,
HIGH SCHOOL ASSISTANT(SOCIAL STUDIES), MOIDEEN KOYA HAJI MEMORIAL
MUSLIM ORPHANAGE VOCATIONAL HIGHER SECONDARY SCHOOL FOR GIRLS,
MUKKOM, KOZHIKODE DISTRICT - 673 602.**

BY ADV. SMT.S.KARTHIKA

RESPONDENT(S):

- 1. T.VFASNA,
W/O.MUHAMMED AJMAL, CRESENT HOUSE, P.O.PADANILAM,
KUNNAMANGALAM, KOZHIKODE DISTRICT.**
- 2. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHAPURAM - 695 014.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY, KOZHIKODE DISTRICT - 695 014.**
- 5. THE MUKKOM MUSLIM ORPHANAGE COMMITTEE,
P.O MUKKOM, KOZHIKODE - 673 602. REP.BY ITS MANAGER OF SCHOOLS.**

R1 BY ADVS. SRI.P.SREEKUMAR

SRI.P.S.SIDHAN

SRI.V.K.RAJANANDAN

SRI.K.N.SATHEESAN

R BY SRI.M.R.ANISON

R2, R3 & R4 BY SRI.T.RAMAPRASAD UNNI, GOVERNMENT PLEADER

R BY SRI.V.A.MUHAMMED

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 19-01-2015, ALONG
WITH W.A.NOS.1348/2012 & 1349/2012. THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

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

W.A.Nos.1297, 1348 & 1349 of 2012

Dated this the 19th day of January, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.These three writ appeals are filed against the common judgment dated 21.5.2012 in writ petition Nos.30021 of 2011 and 32889 of 2011. Those writ petitions dealt with the eligibility of T.V.Fasna, the petitioner in W.P.(C).No.32889 of 2011 to claim under Rule 51 B of Chapter XIV A Kerala Education Rules. That was upheld by the learned single Judge. The judgment in W.P.(C).No.30021 of 2011 is a consequential fall out.

2.With the passage of time, T.V.Fasna, the petitioner in W.P.(C). No.32889 of 2011 has filed I.A.No.48 of 2015 along with an affidavit stating that she is withdrawing her claim under Rule 51 B of Chapter XIV A KER for preferential appointment in the school managed by the Mukkom Muslim Orphanage Committee and she has no objection in that affidavit being recorded and writ appeals being closed accordingly.

3. Having heard the learned counsel for the parties, we record the aforesaid affidavit and order that the three writ appeals will stand closed hereby. It is clarified that the impugned judgment shall have no effect in favour of T.V.Fasna who has now relinquished her claim. Resultantly, if the school or any other teacher of the school is eligible to any relief relating to the post of teacher, approval, vacancy position etc., the competent statutory authority under KER will be entitled to decide on it, taking into consideration that T.V.Fasna has no subsisting claim under Rule 51 B of Chapter XIV A of KER and this can be done without reference to anything contained in the common judgment dated 21.5.2012, impugned in these appeals.

Writ appeals ordered accordingly.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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