

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 677 of 2008 (E)

PETITIONER(S):

**P.SUBAIDA, AGED 22 YEARS,
W/O. V.V.ABDUL NAZAR, ARABIC TEACHER
KAMBIL MOPILA HIGH SCHOOL, P.O.KOLACHERRY
KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION (S)
DEPARTMENT, SECRETARIAT ANNEX, TRIVANDRUM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM-14.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR P.O., KANNUR-2.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
TALIPARAMBA SOUTH, P.O.TALIPARAMBA, KANNUR DISTRICT.**
- 5. SRI. P.T.P. MUHAMMED KUNHI,
MANAGER, KAMBIL MOPILA HIGH SCHOOL, P.O.KOLACHERRY
KANNUR DISTRICT.**

R BY GOVERNMENT PLEADER SMT. T.R RAJESH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS

- EXT.P1 COPY OF THE APPOINTMENT ORDER OF THE PETITIONER AND APPROVAL THEREOF.**
- EXT.P2 COPY OF THE ORDER NO. D.DIS.25156/05/B5 OF THE DEPUTY DIRECTOR OF EDN.**
- EXT.P3 COPY OF THE REVISION PETITION FILED BEFORE THE 2ND RESPONDENT.**
- EXT.P4 COPY OF THE ORDER NO. D.DIS. 26697/06/RA/(3)/DPI OF THE 2ND RESPONDENT.**
- EXT.P5 COPY OF THE ORDER NO. D.DIS.B3-12492/2005 OF THE DIST. EDL. OFFICER.**
- EXT.P6 COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT.**

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.677 of 2008 - E

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Dated this the 9th day of September, 2015

J U D G M E N T

The petitioner was a lower grade Arabic teacher in an L.P School under the 5th respondent Management in the year 2004-05. The petitioner's appointment was also approved. However, in the year 2005-06, the post was abolished and the petitioner was retrenched. The petitioner claims appointment to a post, which arose in another school of the very same Management, but, however a High School with a primary section. The primary section of the said school according to the petitioner had two posts of lower grade Arabic teachers. One Aboobacker resigned in the course of the academic year 2005-06. The petitioner claims appointment to the said post, since she was retrenched from a similar post in a school under the very

same Management.

2. The learned Government Pleader submits that the resigned teacher was granted protection only by reason of the 1:40 ratio being brought in by the Government and on the said protected teacher resigning the said post itself stands abolished and none could claim the same.

3. The petitioner's claim is that the petitioner is entitled to similar protection. If the petitioner was so entitled to protection, then the petitioner would have been continued in the L.P school itself, despite there being a division fall; necessitated, only for the reason of implementation of 1:40 ratio. The petitioner having not been continued in the L.P school, it is very evident that the petitioner's claim for protection on implementation of 1:40 ratio cannot be sustained. In such circumstance, the petitioner cannot claim the post in the other school, from which a person who was protected under the 1:40 ratio has resigned; and as a consequence of which, the post

stood abolished.

The writ petition would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.