

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 485 of 2013 (I)

PETITIONER:

SMT.RESMI B. AGED 41 YEARS
HSA (MALAYALAM), TD HIGHER SECONDARY SCHOOL
THIRUMALABHAGAM P.O., THURAVOOR, CHERTHALA
ALAPPUZHA DISTRICT, PIN-688 540
RESIDING AT PUTHUPARAMBIL HOUSE, PATTANAKKAD P.O.
CHERTHALA-688 531.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENERAL EDUCATION DEPARTMENT
THIRUVANANTHAPURAM-695 001.
2. DIRECTOR HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM, HOUSING BOARD BUILDING
THIRUVANANTHAPURAM-695 001.
3. REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, CORPORATION BUILDING
PALAYAM, THIRUVANANTHAPURAM-695 033.
4. CORPORATE MANAGEMENT
TD SCHOOL THURAVOOR, ALAPPUZHA-688 532
REPRESENTED BY THE CORPORATE MANAGER, TD SCHOOL
ALAPPUZHA.

5. SRI.G. SAJIKUMAR
HSST MALAYALAM (JUNIOR), TD HIGHER SECONDARY SCHOOL
THURAVOOR-688 532, RESIDING AT SUNITHA BHAVAN
NEDUVALI, KONCHIRA P.O., VEMBAYAM
THIRUVANANTHAPURAM-695 615.

SRI.NOUSHAD THOTTATHIL, GOVERNMENT PLEADER
R4 BY ADV. SRI.V.A.MUHAMMED
R4 BY ADV. SRI.V.RAJASEKHARAN NAIR
R5 BY ADV. SRI.KALEESWARAM RAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE APPOINTMENT ORDER DTD.5.6.2000 APPROVED BY THE DEO, ALAPPUZHA.

P2 : COPY OF THE REPRESENTATION DTD.27.3.2011 SUBMITTED BY THE PETITIONER.

P3 : COPY OF THE APPOINTMENT ORDER DTD.3.9.2012 OBTAINED THROUGH APPLICATION UNDER THE RIGHT TO INFORMATION ACT.

P4 : COPY OF THE REPRESENTATION DTD.4.10.2012 SUBMITTED BY THE PETITIONER.

P4(a): COPY OF THE ACKNOWLEDGMENT CARD DTD.17.10.2012.

P5 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

P5(a): COPY OF THE REPLY DTD.6.10.2012 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

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W.P.(C) No.485 of 2013
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Dated this the 27th day of May, 2015

JUDGMENT

The petitioner is working as HSA (Malayalam) in T.D.Higher Secondary School, Thuravoor. She is aggrieved by the appointment given to the 5th respondent as HSST(Junior) Malayalam, on the ground that the vacancy should have been filled up by appointing qualified hands from among High School Assistants under the 25% quota reserved for them in accordance with the provisions contained in Rule 4(3) of Chapter XXXII of KER. It is the case of the petitioner that no appointments have been made so far under this rule in the Higher Secondary Schools under the Corporate Management-4th respondent, from among HSAs. The petitioner has already approached the Regional Deputy Director of Higher Secondary Education, Thiruvananthapuram as against the appointment, filing Ext P4 representation.

2. I heard the learned counsel appearing for the petitioner, the learned Government Pleader and the learned counsel

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appearing for the party respondents. It is pointed out by the learned Government Pleader that the representation, Ext.P4, is pending before the 3rd respondent.

3. In the circumstances of the case, there will be a direction to the 3rd respondent to consider Ext.P4 representation and pass orders in accordance with law, after hearing respondents 4 and 5 and other affected parties, if any, within a period of two months from the date of receipt of a copy of this judgment. The approval, if any, granted to the 5th respondent shall be subject to the outcome of the decision to be taken by the 3rd respondent.

The writ petition is disposed of accordingly.

**P.V.ASHA,
JUDGE.**

rkc

The figures "3 and 4" occurring in the 3rd line of paragraph 3 of the judgment dated 27/05/2015 in W.P.(C) No.485/2013 are corrected as "4 and 5", vide order dated 25.6.2015 in I.A.No.7932/2015 in W.P.(C) No.485/2013.

Sd/-
Registrar(Judicial)