

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 1036 of 2013 (D)

PETITIONER:

DANISH RAPHEL,
PART TIME HINDI TEACHER, B.E.M.U. P. SCHOOL, PUTHIYARA
CALICUT-673004.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT
THIRUVANANTHAPURAM-695001.
2. DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM-695013.
3. ASSISTANT EDUCATIONAL OFFICER
PONNANI-679577.
4. ASSISTANT EDUCATIONAL OFFICER
VYTHIRI-673121.
5. CORPORATE MANAGER
ALL CSI SCHOOLS IN MALABAR & WAYANAD, BANK ROAD
CALICUT-673001.
6. SUNITHA BABY DANIEL,
VALIYA PARAMBIL HOUSE, P.O.NELLCODE, POTTAMMAL
CALICUT-673016.
7. DISTRICT EDUCATIONAL OFFICER
WAYANAD, KALPETTE-673123.

R1 TO R4, R7 GOVT. PLEADER SRI.RINNY STEPHEN CHANAPARAMBIL
R5 BY ADV. SRI.P.V.KUNHIKRISHNAN
R6 BY ADV. SRI.BENNY GERVACIS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

EXT.P1 TRUE COPY OF THE PROVISIONAL CERTIFICATE DATED 2-4-2008
ISSUED BY THE KERALA HINDI PRACHAR SABHA.

EXT.P2 TRUE COPY OF REPRESENTATION DATED 3-4-2008 OF THE
PETITIONER TO THE 5TH RESPONDENT

EXT.P3 TRUE COPY OF THE ORDER DATED 22-8-2009 OF THE 3RD
RESPONDENT.

EXT.P4 TRUE COPY OF THE GOVT. ORDER G.O. (RT) NO. 1081/2011 G.
EDN. DATED 18-3-2011.

EXT.P5 TRUE COPY OF NOTICE DATED 16-5-2011 OF THE 2ND RESPONDENT
TO THE PETITIONER.

EXT.P6 TRUE COPY OF THE ORDER NO. G3/18140/11/DPI/K.DIS DATED
27-12-2011 OF THE ADDITIONAL DIRECTOR OF PUBLIC INSTRUCTIONS.

EXT.P7 TRUE COPY OF THE GOVT. ORDER G.O. (RT) NO. 5454/2012 G.
EDN. DATED 16-11-2012

RESPONDENTS' EXHIBITS

EXT.R6(a):- TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER
ISSUED BY THE 5TH RESPONDENT DATED 17-06-11.

EXT.R6(b):- TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER
DATED 28/05/09.

EXT.R6(c):- TRUE COPY OF THE ORDER DATED 10/01/11 ISSUED BY THE 1ST
RESPONDENT APPOINTING SMT.NISHA JANET AGAINST THE POST OF JUNIOR PART
TIME HINDI TEACHER.

EXT.R6(d):- TRUE COPY OF THE JUDGMENT DATED 13/04/12 IN WPC
no.9517/12.

EXT.R6(e):- TRUE COPY OF THE ORDER ISSUED BY THE 5TH RESPONDENT DATED
21/12/12.

EXT.R6(f):- TRUE COPY OF THE JOINING REPORT OF THIS RESPONDENT ISSUED
BY THE HEAD MASTER, BEM UP SCHOOL, FEROKE DATED 8/1/13.

EXT.R6(g):- A TRUE COPY OF THE UNDERTAKING SUBMITTEDS BEFORE THE 6TH
RESPONDENT CORPORATE MANAGER.

.....

BABU MATHEW P. JOSEPH, J.

W. P. (C) No.1036 of 2013

Dated this the 24th day of February, 2015

JUDGMENT

The prayer of the writ petitioner is essentially relating to his promotion to the post of Part-time Hindi Teacher with effect from 02-06-2008.

2. Heard the learned counsel appearing for the petitioner, learned Government Pleader appearing for the respondents 1 to 4 and 7, learned counsel appearing for the fifth respondent and the learned counsel appearing for the sixth respondent.

3. The real dispute is between the petitioner and the sixth respondent. Learned counsel for the sixth respondent submits that during the pendency of this writ petition, the Joint Director of Public Instructions passed an order dated 12-12-2014 settling the rights and claims of the petitioner as well as the sixth respondent. Accordingly, as directed in that order, the appointment of the petitioner with effect from 02-06-2008 to the post of Part-time Hindi Teacher will be approved and the appointment of the sixth respondent with effect from 01-06-2009 to the post of Part-time

Hindi Teacher will be approved. He further submits that the order so issued has become final.

4. In view of the said order dated 12-12-2014, the grievance highlighted by the petitioner in this writ petition does not survive. Therefore, recording the submissions made by the learned counsel for the sixth respondent, this writ petition is closed without going into the merits of the contentions raised by either side. It goes without saying that the fifth respondent Manager of the schools will forward necessary proposals for approval of the petitioner and the sixth respondent in the concerned posts with effect from the said dates and the educational officer concerned will pass necessary orders approving such appointments without delay.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

