

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

&

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

W.A.No. 1230 of 2015 () IN WP(C).3391/2015

AGAINST THE JUDGMENT IN W.P.(C) NO.3391/2015 of HIGH COURT OF KERALA DATED 12.03.2015.

APPELLANTS/RESPONDENTS 1 TO 4:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY DIRECTOR OF EDUCATION
PATHANAMTHITTA AT THIRUVALLA - 689 101.
4. THE DISTRICT EDUCATIONAL OFFICER
THIRUVALLA - 689 101.

BY SENIOR GOVERNMENT PLEADER, SRI. M.A. FAYAZ

RESPONDENTS/PETITIONER & 5TH RESPONDENT:

1. B.SREEKALA,
W/O. RAMESH BABU R, "PARVANENDU", PERINGARA P.O.,
THIRUVALLA, PATHANAMTHITTA - 689 108 (HEADMISTRESS,
DEVASWOM BOARD HIGHER SECONDARY SCHOOL, THIRUVALLA)
2. THE CORPORATE MANAGER/SECRETARY,
TRAVANCORE DEVASWOM BOARD SCHOOLS,
DEVASWOM BUILDINGS, NANDHANCODE,
THIRUVANANTHAPURAM - 695 001.

R1 BY ADV. SRI.S.SUBHASH CHAND

R2 BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A.No.1230 of 2015

Dated this the 9th day of July, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the official respondents in W.P.(C) No.3391 of 2015, who are aggrieved by the judgment dated 12.03.2015, whereby the learned Single Judge set aside Ext.P11 order and directed the appellants to grant approval to the appointment of the 1st Respondent as Headmistress of the School of the 2nd Respondent, who is the Corporate Manager.

2. We heard the learned Senior Government Pleader for the appellants and the respective counsel appearing for the Respondents Nos.1 and 2.

3. During the hearing of the case, the learned Government Pleader produced letter dated 28.05.2015 issued by the 2nd appellant to the 2nd Respondent, referring to the judgment under appeal and the Government letter dated 05.05.2015. This letter reads thus:

No.ET(3)/37323/2015/DPI. Office of the
Director of Public Instruction,
Thiruvananthapuram, Dated: 28.05.2015.

From

The Director of Public Instruction,
Thiruvananthapuram.

To

The Corporate Manager/Secretary,
Devaswom Board Schools,
Devaswom Buildings,
Nanthancode - 695 001.

Sir,

Sub:- General Education - Aided - W.P.(C) No.3391/15
filed by Smt. B.Sreekala - Reg.

Ref:- 1. Judgment dated, 12.03.2015.
2. Govt.Lr.No.21455/A3/2015/G.Edn. dt. 05.05.2015.

With reference to the above, you are directed to prepare the approved Seniority List as on 01.01.2014. In the absence of approved seniority list, it is not possible to approve the appointment of the petitioner. Hence you are directed to submit the approved Seniority list within one week positively and submit a copy to this office. Treat this matter is very urgent. So you must take action immediately.

Yours faithfully,

Sd/-

For Director of Public Instruction

Copy to:- 1. The District Educational Officer,
Thiruvalla.
2. The Superintendent,
F Section.

4. Reading of this letter shows that what stands in the way of the appellants in approving the appointment of the 1st Respondent is the absence of approved seniority list. However, since the 2nd Respondent is a Corporate Educational Agency, the requirements for the approval of appointments made are regulated by the Government Order dated 15.12.1990 and as per this Government Order, what is required is only a declaration. Such a declaration is produced as Ext.P5 in the writ petition. However, in so far as Ext.P5 is concerned, the learned Government Pleader is disputing the very receipt of it and he also referred to Annexures R4(a) to R4(d) and the impugned order.

5. In such circumstances, as the issue of approval of appointment is governed by the Government Order dated 15.12.1990, we dispose this writ appeal directing the 2nd Respondent to submit a fresh declaration in the manner as prescribed in the Government Order dated 15.12.1990. It is ordered that on submission of the declaration as above, and also satisfying the other requirements in the Government Order mentioned above, appropriate orders in the matter of

approval of appointment of the 1st Respondent shall be passed.

This shall be done expeditiously as possible.

The writ appeal is disposed of as above.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-