

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

W.A.No. 1257 of 2015 IN WP(C).16542/2015

AGAINST THE JUDGMENT IN WP(C) 16542/2015 of HIGH COURT OF KERALA DATED 03-06-2015

APPELLANT/RESPONDENT 6:

SMT.VEENA U.NAIR, HSA (MATHS)
M.S.M. HIGHER SECONDARY SCHOOL, KAYAMKULAM
ALAPPUZHA DISTRICT, PIN-690 502, KERALA.

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

RESPONDENTS/PETITIONERS/RESPONDENTS 1-5:

1. SREELAMMA K.C.
AGED 50 YEARS, W/O.SURENDRAN P.K., HSA (MALAYALAM)
MSM HIGHER SECONDARY SCHOOL, KAYAMKULAM
ALAPPUZHA DISTRICT - 690 502.
2. BEENA P.M
AGED 47 YEARS, W/O.A.N. SALIM, HSA (MALAYALAM)
MSM HIGHER SECONDARY SCHOOL, KAYAMKULAM
ALAPPUZHA DISTRICT - 690 502.
3. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN-695 001.
4. THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM, PIN-695 001.
5. THE DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA, PIN - 688 001.
6. THE DISTRICT EDUCATION OFFICER
MAVELIKKARA, ALAPPUZHA DISTRICT - 690 101.
7. THE MANAGER, M.S.M HIGHER SECONDARY SCHOOL, KAYAMKULAM
ALAPPUZHA DISTRICT - 690502.

R BY SR. GOVERNMENT PLEADER SRI.M.A.FAYAZ
R BY SRI.M.V.THAMBAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE CERTIFICATE OF PASSING THE ACCOUNT TEST BY THE APPELLANT.

ANNEXURE 2: COPY OF THE CERTIFICATE OF PASSING THE DEPARTMENTAL TEST IN KE ACT AND RULES BY THE APPELLANT.

ANNEXURE 3: COPY OF THE ORDER G.O.NO.117/2015 GE DATED 16-5-2015, ISSUED BY THE THIRD RESPONDENT.

ANNEXURE 4: COPY OF THE ORDER NO.G.O.(MS)157/2015 GE DEPT. DATED 10-6-2015.

// TRUE COPY //

PA. TO JUDGE

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.1257 of 2015

Dated this the 17th day of June, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the sixth respondent in W.P.(C) No.16542/2015. The writ petition was filed by the first respondent, an H.S.A.(Malayalam) in the school of which the 7th respondent herein is the manager. Their complaint was, that overlooking their superior claims, the 7th respondent was proposing to appoint the appellant as Head Master. They stated that apprehending the above, they have submitted Exts.P5 and P6 before the first respondent and it was their complaint that the representation was also not attended. It was in the above background, they filed the writ petition. At the admission stage, the learned Singe Judge disposed of the writ petition directing the first respondent to consider Exts.P5 and P6 within a period of one month with an opportunity of hearing to respondents 1 and 2 herein. It is also ordered that in the meanwhile, appointment to the post of Headmaster be kept in abeyance. It is aggrieved by this judgment, this appeal is filed.

2. Heard learned counsel for the appellant, learned counsel appearing for respondents 1 and 2 and the learned Government Pleader.

3. In the facts as stated above, we do not find anything objectionable in the course adopted by the learned Single Judge. But, however, we do find any substance in the grievance of the appellant that the learned Single Judge ought not have confined the opportunity of hearing to respondents 1 and 2 alone and she, being an affected party, should also have been afforded such an opportunity of hearing. According to us, such opportunity should also have been given to the manager as well so that he will also not have the complaint that the ultimate decision on Exts.P5 and P6 was taken in violation of principles of natural justice.

4. Taking note of the above, we direct that while taking decision on Exts.P5 and P6 in compliance with the directions of the learned Single Judge, the first respondent in the writ petition shall afford an opportunity of hearing to the respondents 1 and 2, appellant and the manager of the school. Taking note of the modification that we have

made in this appeal, we enlarge the time fixed by learned Single Judge for passing the orders by another two weeks.

5. Appellant shall produce a certified copy of this judgment along with a copy of the appeal memorandum before the first respondent immediately for compliance. It is clarified that we have not disturbed the interim order passed by the learned Single Judge directing that till a decision is taken on Exts.P5 and P7, appointment to the post of Headmaster be kept in abeyance.

Appeal is disposed of as above.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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