

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WA.No. 1266 of 2015 IN WP(C).30984/2014

AGAINST THE JUDGMENT IN WP(C) 30984/2014 of HIGH COURT OF KERALA DATED 24.2.2015

APPELLANTS/RESPONDENTS 1 TO 4:

1. STATE OF KERALA
REP. BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM 695 001.
3. THE DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER
KANJIRAPPALLY 686 507.
4. THE ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER
KARUKACHAL 686 540.

BY ADV. GOVERNMENT PLEADER SRI.M.A.FAYAZ

RESPONDENTS/PETITIONER & 5TH RESPONDENT IN WP(C):

1. BEENA RAJU
W/O.CHACKO RAJU, KALLUPALATHINKAL HOUSE, KALLISSERY PO
CHENGANNOOR, ALAPPUZHA (HIGH SCHOOL ASSISTANT (HINDI),
N.M.SCHOOL, KARIAMPLAVE-689 121.
2. THE CORPORATE MANAGER, NOEL MEMORIAL CORPORATE SCHOOLS
KUMBANAD PO, THIRUVALLA, PATHANAMTHITTA 689 574.

R1 BY ADV. SRI.S.SUBHASH CHAND

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.1266 of 2015

Dated this the 29th day of July, 2015

JUDGMENT

Antony Dominic, J.

Respondents in W.P(C)30984/14 have filed this appeal aggrieved by the judgment of the learned Single Judge quashing Ext.P4 to the extent mentioned in the judgment.

2. We heard the Government Pleader appearing for the appellants and the learned counsel appearing for the first respondent, who filed the writ petition.

3. The challenge in the writ petition was against Ext.P4 by which, the appointment of the first respondent was made based on the circular dated 6.11.2012. As rightly held by the learned Single Judge, first respondent being a 51A claimant, the said circular had no application and that position of law had already been clarified by this Court in the judgment in Ciji P.Jose v. State of Kerala 2012 (1) KLT 867. In such circumstances, the conclusions of the learned Single Judge as reflected in the judgment, cannot be impugned.

4. However, learned Government Pleader contended that the school is an uneconomic school and which does not have sufficient number of

students and therefore, Ext.P24 could not have been interfered with. We do not find that such a contention was urged before the learned Single Judge. In such circumstances, if at all the appellants have such a case, it is upto them to seek review of the judgment by making an appropriate application.

5. We do not find any illegality in the impugned judgment.

Appeal is dismissed.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
SHAJI P. CHALY
JUDGE

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