

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

W.A.No. 1333 of 2015 IN WP(C).24070/2013

AGAINST THE JUDGMENT IN WP(C) 24070/2013 of HIGH COURT OF KERALA DATED 17-03-2015

APPELLANTS/RESPONDENTS 7 & 8:

1. LAKSHMI PRIYA.K, SHOWN AS SMT.LAKSHMI IN THE
CAUSE TITLE OF THE WRIT PETITION.
L.P.S.A., S.N.V.L.P.S., THUMPOLI
ALAPPUZHA, THUMPOLI P.O. PIN - 688 008.

2. SALINI CHANDRAN,
L.P.S.A., S.N.V.L.P.S., THUMPOLI,
ALAPPUZHA, THUMPOLI P.O., PIN 688 008.

BY ADV. SRI.S.PARAVINDAKSHAN PILLAY

RESPONDENTS/PETITIONER & RESPONDENTS 1 TO 6 & 9:

1. USHA RANI, CHITHIRA, THATHAMPALLY P.O.
PIN-688 013, ALAPPUZHA DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695 001.
3. DEPUTY DIRECTOR OF EDUCATION,
O/O DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA, ALAPPUZHA P O, PIN 688 011.
4. ASSISTANT EDUCATIONAL OFFICER
O/O THE AEO, ALAPPUZHA, ALAPPUZHA PO, PIN 688 011.
5. THE MANAGER, SNVLPS, THIMPOLI
ALAPPUZHA, THUMPOLI PO PIN, 688 008.
6. SMT.YAMUNA, HEADMISTRESS, SNVLPS, THUMPOLI
ALAPPUZHA, THUMPOLI PO, PIN 688 008.

7. SMT.USHAKUMARI,
LPSA, SNVLPS, THUMPOLI
ALAPPUZHA, THUMPOLI PO, PIN 688 008.
8. SMT.FAZILA,
LPSA, SNVLPS, THUMPOLI
ALAPPUZHA, THUMPOLI PO, PIN 688 00

R BY GOVERNMENT PLEADER SRI.M.A.FAYAZ
R BY SRI.V.A.MUHAMMED
R BY SRI.P.SANTHOSH KUMAR (TR)

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.1333 of 2015

Dated this the 1st day of July, 2015

JUDGMENT

Antony Dominic, J.

Respondents 7 and 8 in W.P.(C)No24070/13 are the appellants. The said writ petition was filed by the first respondent herein, claiming appointment in the school of which the 5th respondent is the manager, she being a claimant under Rule 51B of Chapter XIV-A Kerala Education Rules. By the judgment under appeal, the learned Single Judge allowed the writ petition and ordered that the first respondent be appointed in the post occupied by the 8th respondent herein. It was also ordered that her seniority in the category L.P.S.A. will be reckoned from the date on which the first vacancy of L.P.S.A. arose after 8.10.1996. It is this judgment, which is under challenge by the appellants whose seniority will be affected by virtue of the directions in the judgment.

2. Today counsel for the appellant and the counsel for the first respondent submitted before us that in compliance with the directions in the judgment, the first respondent has been appointed as L.P.S.A in the school in question by order dated 7.4.2015 and that by his order dated 8.5.2015, the Assistant Educational Officer, Alappuzha, has approved her appointment. Copy of the order of appointment and the copy of the order of approval were

also made available to us. In the order of approval, the Assistant Educational Officer has made clear that the first respondent will be entitled to reckon her seniority from the date on which the first vacancy of L.P.S.A. arose after 8.10.96.

3. However, based on an agreement between the appellants and the first respondent, counsel for the first respondent submitted before this Court that his client has agreed not to claim seniority over the appellants. This submission is recorded.

In the light of the above, appellants have no further grievance in this matter. Therefore, the appeal is disposed of. It is made clear that as undertaken by the first respondent before this Court, she will not be entitled to claim seniority over the appellants. But however, she will be entitled to all other benefits as recognised in the judgment based on her effective date of appointment.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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