

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

W.A.No. 1384 of 2015 () IN WP(C).13825/2011

AGAINST THE JUDGMENT IN W.P.(C) NO.13825/2011 of HIGH COURT OF KERALA DATED 19-03-2015.

APPELLANT/PETITIONER:

FR. BOBY JACOB, HSA (SOCIAL SCIENCE),
INFANT JESUS HIGHER SECONDARY SCHOOL,
VAZHAKKULAM - 686 670.

BY ADVS. SRI. K. JAJU BABU (SR.)
SMT. M. U. VIJAYALAKSHMI
SRI. JIKKU SEBAN GEORGE

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM - 695 001.
3. THE DISTRICT EDUCATIONAL OFFICER,
MUVATTUPUZHA - 686 661.
4. THE MANAGER,
INFANT JESUS HIGHER SECONDARY SCHOOL,
VAZHAKKULAM - 686 670.

R1 TO R3 BY SENIOR GOVERNMENT PLEADER, SRI. M. A. FAYAZ

R4 BY SMT. ANNIE JACOB

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

W.A.NO.1384 OF 2015

APPENDIX

APPELLANT'S ANNEXURES:

ANNEXURE-A COPY OF THE CERTIFICATE OF THE HEADMASTER DATED
09.06.2015 ALONG WITH THE TIME TABLE FOR THE YEAR 2006-07
TO 2015-16.

ANNEXURE-B COPY OF THE RELEVANT EXTRACT OF THE ATTENDANCE
REGISTER FOR THE PERIOD JUNE 2006 TO JUNE, 2015.

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

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

W.A.No.1384 of 2015

Dated this the 8th day of July, 2015

JUDGMENT

Antony Dominic, J.

The appellant filed W.P.(C) No.13825 of 2011, seeking to quash Ext.P7 staff fixation order to the extent it did not sanction the post of H.S.A (English) during the academic year 2006-2007. He also sought to quash Exts.P2 to P6 and P9 and sought a direction that he be appointed in the school as H.S.A. (English) with effect from 05.06.2006. The writ petition having been dismissed, this appeal is filed.

2. We heard the learned Senior Counsel for the appellant and the learned Senior Government Pleader.

3. Admittedly, the appointment of the appellant with effect from 05.06.2006 was in the post of H.S.A. (Social Science). It is also the factual position that the appellant was not qualified for that post and was eligible only to be appointed as H.S.A. (English). In so far as the post of H.S.A. (English) for the year 2006-2007 is concerned, such a post was not

sanctioned in the school and this is evident from Ext.P7, the staff fixation order for 2006-2007. Therefore, he could not have been appointed as H.S.A. (Social Science) and the appointment could not have been approved.

4. In so far as the challenge against the staff fixation order is concerned, it is rightly negatived by the learned Single Judge, mainly on the ground of delay. We fully agree with the view taken. In such circumstances, we cannot find fault with the judgment under appeal.

Therefore, the appeal is dismissed.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-