

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WA.No. 1599 of 2015 () IN WP(C).14642/2015

AGAINST THE JUDGMENT IN WP(C) 14642/2015 of HIGH COURT OF KERALA
DATED 13.07.2015

APPELLANT/PETITIONER IN W.P. (C) :

ALICE ANTONY
LOWER PRIMARY SCHOOL ASSISTANT
KARAPPADAM, PAYYANADAM P.O., PALAKKAD DISTRICT.

BY ADV. SRI.D.SREEKUMAR

RESPONDENT(S) :

1. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM
2. THE CORPORATE MANAGER
JAI CHRISTO C.M.C.EDUCATIONAL AGENCY
PALAKKAD-678004.

R1 BY SENIOR GOVERNMENT PLEADER SRI.M.A. FAYAZ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 24-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

smv

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

W.A. No.1599 of 2015

Dated this the 24th day of July, 2015

JUDGMENT

Antony Dominic,J.

Appellant is an LPSA in the ALP school, Karappadam, Palakkad District. By Ext.P1 order, she was transferred to Uppukulam. She filed the writ petition challenging her transfer. According to her, she is a chronic bronchial asthma patient and her transfer to Uppukulam, a hilly area, would cause major inconvenience to her health condition. She also placed reliance on Ext.P3 judgment of this Court, Ext.P4 order of the first respondent and Ext.P5, the guidelines issued by the Government governing transfer of ladies. Learned Single Judge declined to interfere with the order of transfer. Therefore, this writ appeal is filed.

2. We heard the learned counsel for the appellant, the learned Government Pleader appearing for the 1st respondent and the learned counsel appearing for the second respondent.

3. Appellant has no case that the post she is holding is not a

transferable post. Facts show that she has been posted at Karappadam for over 12 years. In so far as her case that she being an asthma patient, her health would be affected if she is transferred to a hilly area is concerned, the learned Single Judge has taken note of the specific contention of the 2nd respondent that the station to which she is transferred is not a hilly area as contended. On that basis, the learned Single Judge accepted the case of the respondent that her apprehensions are unfounded. We have no material whatsoever to conclude otherwise.

4. In such circumstances, we see no reason to interfere with the judgment under appeal. However, it is clarified that after appellant joins at the transferred place, if her illness aggravates on account of the location, it will be open to the appellant to move the second respondent, in which effect, the second respondent will pass appropriate orders in the matter to redress her grievance to the extent possible.

Writ petition is disposed of as above.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

smv

P.A to Judge