

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 3895 of 2010 (J)

PETITIONER(S):

**P.S.AMBILY, W/O.K.K.BABY, AGED 36 YEARS,
FORMERLY PEON, H.M.T. EDUCATIONAL SOCIETY
HIGH SCHOOL KALAMASSERY - 683 503, (RESIDING AT B2/2
H.M.T. QUARTERS H.M.T.COLONY, KALAMASSERY - 683 503).**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENT(S):

- 1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM - 14.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KAKKANAD, ERNAKULAM - 30.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
ALUVA, ERNAKULAM DISTRICT.**
- 5. THE MANAGER,
H.M.T. EDUCATIONAL SOCIETY HIGH SCHOOL
KALAMASSERY - 683 503.**

R1 - 4 BY GOVERNMENT PLEADER SMT.LOWSY.A.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE G.O.(MS)NO.354/2000/G.EDN.OF THE GOVERNMENT**
- P2: COPY OF THE APPOINTMENT ORDER**
- P3: COPY OF THE ORDER NO.B3-4687/07/K.DIS.OF THE DIST.EDUCATIONAL OFFICER**
- P4: COPY OF THE APPEAL FILED BY THE MANAGER**
- P5: COPY OF THE ORDER NO.I.DIS.B3/22475/2007 OF THE DEPUTY DIRECTOR**
- P6: COPY OF THE PETITION FILED BEFORE THE R2**
- P7: COPY OF THE ORDER NO.20965/N2/09/G.EDN.OF THE GOVERNMENT**
- P8: COPY OF THE ORDER OF THE MANAGER**
- P9: COPY OF THE ORDER NO.6589/08/K.DIS OF THE DIST.EDUCATIONAL OFFICER**
- P10: COPY OF THE APPEAL BEFORE THE DEPUTY DIRECTOR**
- P11: COPY OF THE ORDER NO.B3/27127/08/K.DIS OF THE DEPUTY DIRECTOR**
- P12: COPY OF THE REVISION FILED BEFORE THE DIRECTOR**
- P13: COPY OF THE APPOINTMENT ORDER (REJITHA M)**
- P14: COPY OF THE DO.(SIJI THOMAS)**
- P15: COPY OF THE DO.(JASMINE ISMAIL)**
- P16: COPY OF THE DO. (JISHA PAVITHRAN)**
- P17: COPY OF THE INFORMATION (NO.B4-19529/09 OF THE DEPUTY DIRECTOR)**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.3895 of 2010

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner was appointed as Menial from open market by the Manager of an aided School with effect from 4.6.2007. The petitioner, thereafter, was promoted as Peon with effect from 5.7.2008 and worked till 30.11.2009. The appointments to the said post had not been approved by the authority stating that the post has to be filled up by the protected hands. It is impugning these orders, this writ petition is filed. The petitioner relies on the judgment of this Court in W.P.(C) No.18986/2009 dated 9.7.2010. In the above judgment, this Court held that the relevant Government Orders for deploying protected teachers in the vacancies have no application in the matter of appointing non-teaching staffs. Further, it is submitted that no list has

been forwarded to the Manager by any other authority giving list of protected non-teaching staffs.

In view of the above, I am of the view that the impugned orders are liable to be set aside. Consequently, there shall be a direction to the 4th respondent to approve the appointment of the petitioner as Menial from 4.6.2007 and Peon from 5.7.2008 and disburse all consequential benefits. Needful shall be done within a period of three months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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