

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE**

**TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936**

**WP(C).No.156 of 2015 (T)**  
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**PETITIONER:**  
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**MARYKUTTY SAM,AGED 56 YEARS,  
W/O.JOHN T.SAMUEL,  
RESIDING AT THANNIMOOTTIL HOUSE,  
VATTAKOTTAL,KUMBANAD.P.O,THIRUVALLA,  
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.S.SUBHASH CHAND  
SRI.S.JAYAKRISHNAN**

**RESPONDENTS:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,  
GENERAL EDUCATION (J) DEPARTMENT,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM,PIN-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,  
THIRUVANANTHAPURAM,PIN-695 001.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,  
KANJIRAPPALLY,PIN-686 507.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,  
KANJIRAPPALLY,PIN-686 507.**
- 5. THE ASSISTANT EDUCATIONAL OFFICER,  
RANNI,PATHANAMTHITTA DISTRICT,PIN-689672.**
- 6. NOEL MEMORIAL CORPORATE SCHOOLS,  
REPRESENTED BY ITS MANAGER,KUMBANAD.P.O.  
PATHANAMTHITTA DISTRICT,PIN-689 547.**

**R1 TO R5 BY SENIOR GOVT. PLEADER SRI.V.VIJULAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**  
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**EXT.P1:TRUE COPY OF THE REPRESENTATION DATED 18.02.2014 ALONG WITH  
THE TREATMENT RECORDS SUBMITTED BY THE PETITIONER BEFORE  
THE 6TH RESPONDENT.**

**EXT.P2:TRUE COPY OF NOTICE NO.151/12-13 DATED 14.05.2014 ISSUED BY THE  
6TH RESPONDENT TO THE PETITIONER.**

**EXT.P3:TRUE COPY OF THE REPLY DATED 27.05.2013 SUBMITTED BY THE  
PETITIONER BEFORE THE 6TH RESPONDENT.**

**EXT.P4:TRUE COPY OF COMMUNICATION NO.F5/17030/2014/TVM  
DATED 30.07.2014 ISSUED BY THE 2ND RESPONDENT TO THE  
PETITIONER.**

**EXT.P5:TRUE COPY OF ORDER NO.G/1350/2013 DATED 01.12.2014 ISSUED BY  
THE 4TH RESPONDENT TO THE PETITIONER.**

**EXT.P6:TRUE COPY OF APPEAL FILED BY THE PETITIONER UNDER RULE 80  
CHAPTER XIV (A) KER BEFORE THE 2ND RESPONDENT.**

**EXT.P7:TRUE COPY OF THE REVISION PETITION DATED 18.12.2014 FILED BY  
THE PETITIONER BEFORE THE 1ST RESPONDENT.**

**RESPONDENT'S EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.156 of 2015**

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**Dated this the 13<sup>th</sup> day of January, 2015**

**JUDGMENT**

The petitioner while working as Upper Primary School Assistant (UPSA) was granted Leave Without Allowance under Appendix XII C KSR Part 1 Clause 6 for joining spouse abroad. The leave originally granted was expired on 31.3.2013. The petitioner was expected to join duty on 1.4.2013. The petitioner did not join duty on 1.4.2013. The petitioner made a request for exemption for a further duty until retirement. The retirement of the petitioner was on 31.5.2013. On account of subsequent decision of the Government, the retirement age extended by another year. Therefore, the petitioner was due to retire on 31.5.2014. The petitioner submits that while she was abroad, she became ill and she was unable to join duty. It is submitted that the Manager without conducting any enquiry,

terminated her from the service. The Assistant Educational Officer also ratified the proceedings as per Ext.P5. Challenging Ext.P5 order, the petitioner filed an appeal under Rule 80 Chapter XIV(A) of the Kerala Education Rules (KER). The petitioner, realising appeal is not maintainable, now filed a revision petition before the Government under Rule 92 of Chapter XIV (A) of the KER. This revision is produced as Ext.P7 along with I.A. No.407/2015. The limited request of the petitioner is for an early disposal of Ext.P7 revision petition.

In view of the above facts and circumstances, there shall be a direction to the first respondent to consider Ext.P7 revision petition after affording an opportunity of hearing to the petitioner within a period of three months.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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