

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 644 of 2015 (E)

PETITIONER :

**SHIBIL JACOB, AGED 38 YEARS,D/O.V.O.CHACKO,
HIGHER SECONDARY SCHOOL TEACHER(JUNIOR)
CHEMISTRY MPM HIGHER SECONDARY,
CHUNGATHARA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM -695 001.**
- 3. THE REGIONAL DEPUTY DIRECTOR OF HIGHER
SECONDARY EDUCATION,
CIVIL STATION, MALAPPURAM -676 505**
- 4. THE MANAGER,
CATHOLICATE & MD SCHOOLS CORPORATE MANAGEMENT,
DEVALOKAM, KOTTAYAM -686 038.**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.V.VIJULAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 644 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF THE ORDEDR OF THE REGIONAL DEPUTY
DIRECTOR, THIRUVANANTHAPURAM DATED 17/11/2008
- EXHIBIT P2 COPY OF THE ORDER OF THE REGIONAL DEPUTY DIRECTOR,
THIRUVANANTHAPURAM DATED 28/10/2009
- EXHIBIT P3 COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED
20/12/2011
- EXHIBIT P4 COPY OF THE ORDER OF THE REGIONAL DEPUTY DIRECTOR,
MALAPPURAM DATED 15/10/2014
- EXHIBIT P5 COPY OF THE APPEAL FILED BEFORE THE 2ND RESPONDENT DATED
31/10/2014 BY THE MANAGER
- EXHIBIT P6 COPY OF THE DECISION REPORTED IN 2009(2) KLT 352
DATED 8/4/2009

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

C.K. ABDUL REHIM, J.

W.P.(c) No. 644 OF 2015-E

DATED THIS THE 8th DAY OF JANUARY, 2015.

J U D G M E N T

The petitioner had approved service as Higher Secondary School Teacher (HSST) under the 4th respondent management from 25-08-2008 to 30-09-2011. She was relieved from service based on termination of the vacancy. When a regular vacancy arose with effect from 20-12-2011, the 4th respondent Manager had appointed the petitioner by virtue of Ext.P3 order, on the basis that the petitioner is a claimant under Rule 51A of Chapter XIVA K.E.R. But the appointment was not approved by the 3rd respondent stating that 51A claimant right is not introduced in the Higher Secondary Schools and that the appointment of the petitioner was not in order. The manager had preferred Ext.P5 appeal before the 2nd respondent aggrieved by Ext.P4. The petitioner is approaching this court since the appeal is not considered and disposed of.

2. Learned counsel for the petitioner had drawn attention of this court to a Division Bench decision in **Jayasree V. Director of Higher Secondary Education (2009 (2) KLT 352)**, wherein this court observed that the HSST relieved on termination of vacancy is entitled to get re-appointment when a vacancy arose in the same cadre in future. Eventhough Rule 51 of Chapter XIVA K.E.R has not been made applicable to the Higher Secondary School it is contended that in view of the dictum contained in the above said ruling the appointment of the petitioner is liable to be approved.

3. Heard; Government Pleader appearing on behalf of respondents 1 to 3. Considering pendency of Ext.P5 appeal before the 2nd respondent this court is of the opinion that direction for an early consideration of the same in view of the decision cited above would suffice to meet the ends of justice.

4. Therefore this writ petition is disposed of by directing the 2nd respondent to consider Ext.P5 and to

dispose of the same after affording opportunity of personal hearing to the petitioner, 4th respondent and others concerned. A decision on Ext.P5 shall be taken at the earliest possible, within a period of 2 months from the date of receipt of a copy of this judgment.

Sd/-
C.K. ABDUL REHIM
JUDGE

AMG

True copy

P.A. to Judge