

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 667 of 2015 (G)

PETITIONER :

**M.N.REMADEVI, AGED 51 YEARS,
W/O.M.REGHUNATH, LOWER PRIMARY SCHOOL ASSISTANT,
U.P.SCHOOL, KUTTAMPEROOR, MANNAR,
ALAPPUZHA DISTRICT- 689 623
(RESIDING AT VILAYIL HOUSE, KUTTAMPEROOR, MANNAR,
ALAPPUZHA -689 623)**

**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 PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHAPURAM -695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA- 688 001.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
CHENGANNUR, ALAPPUZHA DISTRICT-688 001.**
- 5. THE MANAGER,
U.P.SCHOOL, KUTTAMPEROOR, MANNAR,
ALAPPUZHA DISTRICT- 689 623.**
- 6. SMT. SUSHA KURUVILA,
UPSA, U.P SCHOOL, KUTTAMPEROOR,
MANNAR, ALAPPUZHA DISTRICT-689 623**

**R1 TO R4 BY SR GOVERNMENT PLEADER SRI.V.VIJULAL
R6 BY ADV. SMT.ASHA ELIZABETH MATHEW**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 667 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 8.10.1992 AND APPROVAL THEREON.**
- EXHIBIT P2. COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 7.6.1993 AND APPROVAL THEREON DATED 27.7.94.**
- EXHIBIT P3. COPY OF THE STAFF FIXATION ORDER 2013-14 DATED 17.5.14 OF THE 4TH RESPONDENT.**
- EXHIBIT P4. COPY OF THE ORDER NO.B3/17392/14/K.DIS DATED 3.12.14 OF THE 3RD RESPONDENT.**
- EXHIBIT P5. COPY OF THE G.O(P) NO.180/2009/G.EDN DATED 09.09.09 OF THE GOVERNMENT.**
- EXHIBIT P6. COPY OF THE REVISION PETITION FILED BEFORE THE 2ND RESPONDENT DATED 27.12.14.**
- EXHIBIT P7. COPY OF THE DECISION REPORTED IN 2014(4)KLT 837 DATED 13.11.14.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO.JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 667 OF 2015

Dated this the 3rd day of March, 2015

JUDGMENT

The petitioner is an LPSA. She submits that there is a division fall in U.P. Section and on account of this the petitioner is ordered to be retrenched based on the common seniority, for LPSA and UPSA. The petitioner relies on the Full Bench decision of this Court in **Thresia v. Preethy (2014 (4) KLT 837 (F.B.))**, wherein it has been held that teachers in the UP Section and the teachers in the LP. Section of a school belong to two different and separate categories and if there is occasion for retrenchment of an UPSA or a LPSA, the seniority that is to be followed is the seniority in the respective category and not the common seniority.

2. In the light of the Full Bench decision in Thresia v.Preethy (cited supra), Ext.P4 impugned order passed by the 3rd respondent - Deputy Director of Education is set aside. Accordingly, there shall be a direction to the 3rd respondent to reconsider the entire matter, after hearing the petitioner and all other affected parties. Needful shall be done within a period of two months from the date of receipt of a copy of

this judgment.

3. In view of the above, the revision filed by the petitioner before the 2nd respondent has become redundant.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

W.P.(C) No.667/2015

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