

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. 695 of 2015 (J)

PETITIONER(S):

**C.A.ABIDA, AGED 38 YEARS,
WIFE OF MOHAMMED SAJEER,
HIGH SCHOOL ASSISTANT (HINDI),
MES HIGHER SECONDARY SCHOOL, SREENARAYANAPURAM,
POST P. VEMBALLUR, THRISSUR - 680 671.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

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 INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR AT AYYANTHOLE - 680 003.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
IRINJALAKUDA, THRISSUR DISTRICT - 680 121.**
- 5. THE MANAGER,
M E S HIGHER SECONDARY SCHOO, SREENARAYANAPURAM,
POST P. VEMBALLUR, THRISSUR - 680 671.**

**R1 TO R4 BY GOVERNMENT PLEADER SRI.M.A.FAYAZ
R5 BY ADVS. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU**

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

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE G.O.(MS.)NO.19/09/G.EDN. DATED 09.02.2009 ALONG WITH THE RELEVANT PAGE OF THE LIST.

EXHIBIT P2. TRUE COPY OF THE G.O.(MS) NO.249/09/G.EDN DATED 17.12.2009 OF THE GOVERNMENT.

EXHIBIT P3. TRUE COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION DATED 31.12.2005 ALONG WITH LIST.

EXHIBIT P4. TRUE COPY OF THE ORDER NO.EM6/72147/2007/DPI/K.DIS DATED 25.10.2007 OF THE 2ND RESPONDENT.

EXHIBIT P4(A). TRUE COPY OF THE ORDER NO.EM(6)109314/04/DPI DATED 17.10.2005 OF THE 2ND RESPONDENT.

EXHIBIT P4(B). TRUE COPY OF THE ORDER NO.EM(6)56705/06/DPI/D/DIS DATED 01.06.2007 DATED 17.10.2005 OF THE 2ND RESPONDENT.

EXHIBIT P4(C). TRUE COPY OF THE ORDER NO.EM6/13136/(10)DPI/K.DIS DATED 20.05.2008 OF THE 2ND RESPONDENT.

EXHIBIT P4(D). TRUE COPY OF THE APPOINTMENT ORDER OF SMT.LABIDA V.A. AND APPROVAL THEREON.

EXHIBIT P4(C). TRUE COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 05.11.2014.

EXHIBIT P5. TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DATED 27.11.2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

C.K. ABDUL REHIM, J.

W.P.(c) No. 695 OF 2015-J

DATED THIS THE 8th DAY OF JANUARY, 2015.

J U D G M E N T

The petitioner was appointed as H.S.A in the 5th respondent's school with effect from 25-07-2005. But her appointment was approved by the D.E.O only with effect from 01-02-2006, on the ground that the manager had failed to appoint a protected teacher against the vacancy, since the school is a newly opened one, relying on G.O (MS) No.19/2009 and G.O (P) No.46/2006. It is stated that other teachers who were appointed prior to the appointment of the petitioner were approved, through Ext.P4 series orders. Hence there is no justification in not approving the appointment of the petitioner from the original date, is the contention. On that basis the petitioner had submitted Ext.P5 revision before the Government. Since the said revision petition was not considered, this writ petition was filed.

2. Heard; Government Pleader appearing on behalf of respondents 1 to 4 and counsel appearing for the 5th

respondent. In view of pendency of Ext.P5 revision petition before the 1st respondent this court is of the considered opinion that direction for an early consideration of the same would suffice to meet the ends of justice.

3. Therefore this writ petition is disposed of by directing the 1st respondent to consider Ext.P5 and to pass appropriate orders thereon, after affording an opportunity of personal hearing to the petitioner, 5th respondent and all other concerned, at the earliest possible, at any rate within a period of 3 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