

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C) .No. 1594 of 2015 (Y)

PETITIONER(S) :

MALLIKA.K.M. AGED 56 YEARS
W/O.P.V RAMAKRISHNAN, SWATHI P.O KOMMERI
CALICUT 673 007
WORKING AS U.P.S.A ,K.C.M.A.U.P SCHOOL, KACHILAT
NELLIKKODE P.O, CALICUT 673 016

BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.JOSEPH GEORGE (MULLAKKARIYIL)
SRI.ARUN KRISHNA DHAN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 01

2. DIRECTOR OF PUBLIC INSTRUCTION,JAGATHI
P.O,THIRUVANANTHAPURAM 01

3. THE ASSISTANT EDUCATIONAL OFFICER, KOZHIKODE
RURAL,KOZHIKODE DIST PIN 673 001

4. THE DISTRICT EDUCATIONAL OFFICER,KOZHIKODE PIN 673 001

5. THE MANAGER
K.C.M.A.U.P SCHOOL, KACHILAT, NELLIKKODE P.O
CALICUT 673 016

R BY GOVERNMENT PLEADER: SRI V VIJULAL SR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1 A TRUE COPY OF THE APPOINTMENT ORDER DATED 07-04-2014 IN RESPECT OF THE PETITIONER

EXHIBIT P2 A TRUE COPY OF THE LETTER DATED 27-09-2014 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT

EXHIBIT P3 A TRUE COPY OF THE ORDER NO KDS/F/1482/14 DATED 28-11-2014 PASSED BY THE 4TH RESPONDENT

EXHIBIT P4 A TRUE COPY OF THE JUDGMENT DATED 24-06-2014 IN WPC NO 14971/2014 OF THIS HON'BLE COURT

EXHIBIT P5 A TRUE COPY OF THE JUDGMENT DATED 03-07-2014 IN WPC NO 16236/2014 OF THIS HON'BLE COURT

EXHIBIT P6 A TRUE COPY OF THE LETTER DATED 09-12-2014 SUBMITTED BY PETITIONER TO DISTRICT EDUCATIONAL OFFICER,KOZHIKODE

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.1594 of 2015
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Dated this the 16th day of January, 2015

JUDGMENT

Petitioner was appointed as Head Teacher in the 5th respondent-School as per Ext.P1 order dated 07.04.2014. Petitioner submits that she is the senior most and most eligible hand to be appointed as Head Teacher. However, by Ext.P3 order, third respondent has rejected the appointment of the petitioner as Head Teacher. Petitioner submits that she, having crossed the age of 50 years, is exempted from the requirement to pass departmental test under Rule 18(1) of the Kerala Right of Children to Free and Compulsory Education Rules, 2011. Petitioner relies on Exts.P4 and P5 judgments of this Court. Petitioner preferred Ext.P6 appeal before the 4th respondent, District Educational Officer.

2. In the light of the fact that petitioner is due to retire on 31.03.2015, District Educational Officer shall consider Ext.P6 within a period of four weeks after adverting to the petitioner's age and also judgments referred in Exts.P4 and P5.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.