IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1936 of 2015 (N)

PETITIONER(S):

1. **SAMEER K.K., AGED 34 YEARS,**
   S/O.KUNHABDULLA, UPSA, MM UP SCHOOL
   NEW MAHE, NEW MAHE P.O., KANNUR DISTRICT.
   PIN 673 311, (RESIDING AT "VENKANAYULLATHIL".
   IRINGATH P.O., KOZHIKODE DISTRICT, PIN - 673 523.

2. **SUJITH KUMAR V., AGED 34 YEARS,**
   S/O.KUNHIRAMAN V., LPSA, MM UP SCHOOL
   NEW MAHE, NEW MAHE P.O., KANNUR DISTRICT,
   PIN - 673 311, (RESIDING AT "VAYALIL" HOUSE, MUYIPPOTH P.O.,
   MEPPAYUR VIA, KOZHIKODE DISTRICT, PIN - 673 524.

BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENT(S):

1. **GOVERNMENT OF KERALA,**
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF GENERAL EDUCATION,
   GOVERNMENT SECRETARAIT, THIRUVANANTHAPURAM - 695 001.

2. **DIRECTOR OF PUBLIC INSTRUCTIONS,**
   THIRUVANANTHAPURAM - 695 014.

3. **DISTRICT EDUCATIONAL OFFICER,**
   THALASSERY, THALASSERY P.O, KANNUR DISTRICT - 670 671.

4. **ASSISTNAT EDUCATIONAL OFFICER,**
   THALASSERY SOUTH, THALASSERY P.O.,
   KANNUR DISTRICT - 670 671.

5. **MANAGER,**
   MM UP SCHOOL, NEW MAHE, NEW MAHE P.O.,
   KANNUR DISTRICT - 673 311.

R1 TO R4 BY GOVERNMENT PLEADER SRI.V.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ORDER OF APPOINTMENT DATED 1.6.09 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE ORDER OF APPOINTMENT DATED 1.6.10 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 18.12.11 SUBMITTED BY THE PETITIONER ALONG OTHERS BEFORE THE 2ND RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 6.1.12 IN WPC 390/2012 OF THIS HONOURABLE COURT.

EXHIBIT P5: TRUE COPY OF THE ORDER NO.EM4/8687/12/DPI/K.DIS DATED 5.5.2012 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE ORDER NO.B4/5640/12/D.DIS DATED 26.7.2012 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 7.8.2012 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 2ND RESPONDENT.

EXHIBIT P7(a): TRUE COPY OF THE AFFIDAVIT DATED 7.8.2012 PRODUCED ALONG WITH EXT.P7.

EXHIBIT P8: TRUE COPY OF THE REPRESENTATION DATED 13.12.2013 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 4TH RESPONDENT.

EXHIBIT P8(a): TRUE COPY OF THE ORDER DATED 2.7.2014 ISSUED BY THE GOVERNMENT.

EXHIBIT P9: TRUE COPY OF THE REPRESENTATION DATED 2.8.2014 SUBMITTED BY THE IST PETITIONER BEFORE THE IST RESPONDENT.

EXHIBIT P10: TRUE COPY OF THE ORDER OF APPOINTMENT DATED 1.2.2013 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P11: TRUE COPY OF THE ORDER OF APPOINTMENT DATED 4.6.12 ISSUED BY THE 5TH RESPONDENT.

EXHIBIT P12: TRUE COPY OF THE ORDER DATED 12.9.2012 ISSUED BY THE 4TH RESPONDENT.

EXHIBIT P13. COPY OF THE ORDER DATED 21.1.2013 ISSUED BY THE 3RD RESPONDENT.

Msv/

EXHIBIT P13(a): TRUE COPY OF THE ORDER DATED 29.10.2013 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P14: TRUE COPY OF THE REPRESENTATION DATED 13.12.2013 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE IST RESPONDENT.

EXHIBIT P15: TRUE COPY OF THE REPRESENTATION DATED 7.11.2014 SUBMITTED BY THE 2ND PETITIONER BEFORE THE IST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms**v/**

A.MUHAMED MUSTAQUE, J.

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W.P.(C) No.1936 of 2015

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Dated this the 20th day of January, 2015

JUDGMENT

Petitioners were appointed as UPSA and LPSA respectively in an aided school. The present grievance of the petitioners is regarding non-approval of their appointment. It appears that the dispute was pending regarding manager-ship of the school. It is submitted that the dispute was resolved amicably between the parties. The petitioners submit that they are entitled for approval with effect from 1.6.2010 and 4.6.2012. This was turned down by all the authorities. Thereafter, the petitioners approached the Government by Exts.P9 and P15 respectively.

In view of the above, there shall be a direction to the first respondent to consider Exts.P9 and P15 after affording an opportunity of hearing to the petitioners and the Manager within a period of four months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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