

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. 2016 of 2015 (B)

PETITIONER(S) :

PREETHY JOSE
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
ST.THOMAS HIGHER SECONDARY SCHOOL, THOMAPURAM
KASARAGOD DIST. PIN-671326

BY ADVS.SRI.MURALI PALLATH
SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT
GOVT.SECRETARIAT (ANNEX) THIRUVANANTHAPURAM
PIN. 695001

2. THE DIRECTOR
HIGHER SECONDARY EDUCATION DEPARTMENT
HOUSING BOARD BUILDING, THIRUVANANTHAPURAM
PIN 695 001

3. THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION DEPARTMENT
REGIONAL OFFICE KANNUR, PIN. 670 002

4. THE CORPORATE MANAGER
THE CORPORATE EDUCATIONAL AGENCY
ARCHDIOCESE OF THALASSERY, THALASSERY P.O
KANNUR DIST. PIN.670101

5. BIJU LUKOSE
HIGHER SECONDARY SCHOOL TEACHER (COMMERCE)
NIRMALA HIGHER SECONDARY SCHOOL, CHEMPERY
CHEMPERY P.O. KANNUR DIST. PIN-670632

R BY GOVERNMENT PLEADER: SRI V VIJULAL SR.

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

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 - TRUE COPY OF ORDER NO.ACDB3/19256/HSE/01 DATED 03-04-2003

EXT.P2 - TRUE COPY OF ORDER NO.ACD.C2/18531/HSE/2001 DATED 20-12-2005

EXT.P3 - TRUE COPY OF NO.ACDA4/18631/HSE/01 DATED 4-3-2010 ISSUED BY THE 2ND RESPONDENT

EXT.P4 - TRUE COPY OF RELEVANT PAGES OF CHAPTER XXXII OF KERALA EDUCATION RULES

EXT.P5 -TRUE COPY OF G.O(MS)NO.199/03/G.EDN. DATED 24-7-2003

EXT.P6 - TRUE COPY OF GO(MS)NO.91/2007/G.EDN. DATED 7-5-2007

EXT.P7 - TRUE COPY OF GO(MS)NO.71/2010/G.EDN. DATED 14-5-2010

EXT.P8 - TRUE COPY OF ORDER NO.15/01/HSS DATED 23-7-2013 ISSUED BY THE 4TH RESPONDENT

EXT.P9 -TRUE COPY OF ARGUMENT NOTES SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXT.P10- TRUE COPY OF ORDER NO.ACD. A1/50341/HSE/2013 DATED 30-9-2014

EXT.P11 - TRUE COPY OF REVISION PETITION DATED 04-11-2014 SUBMITTED BY THE PETITIONER BEFORE THE GOVT.

EXT.P12 - TRUE COPY OF POSTAL RECEIPT DATED 07-11-2014

EXT.P13 - TRUE COPY OF COMMUNICATION RECEIVED THE OFFICIAL WEBSITE OF INDIA POST

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.2016 of 2015
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Dated this the 20th day of January, 2015

JUDGMENT

Petitioner submits that she is a qualified Higher Secondary School Teacher in Commerce under the Corporate Management of the 4th respondent. Petitioner was appointed with effect from 05.06.2002 as per ExtP1. The 5th respondent was appointed as Higher Secondary School Teacher(Junior) under the Corporate Management of the 4th respondent and his appointment was approved with effect from 05.08.2002. The appointment of the 5th respondent as Higher Secondary School Teacher (Senior) with effect from 07.02.2005 is under challenge. The prior service of the 5th respondent as Higher Secondary School Teacher (Junior) was from 16.07.2001 to 04.08.2002 was reckoned for seniority. It is the case of the petitioner that the 5th respondent was not duly qualified as on the date of petitioner's entry in service ie 16.07.2001. The only question is whether the 5th respondent was qualified as on 16.07.2001 or not. It is the case of the petitioner that the Joint Director of Higher Secondary Education passed Ext.P10 order overlooking the petitioner's objection. Thereafter, petitioner preferred Ext.P11 revision before the Government. Petitioner filed

this Writ Petition on account of non consideration of Ext.P11.

2. In view of pendency of Ext.P11 revision, there shall be a direction to the first respondent to take appropriate decision after hearing the petitioner, 5th respondent and Manager of the Corporate Management within a period of five months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/20/01/15