

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A. MUHAMED MUSTAQUE

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 2809 of 2015 (A)

PETITIONER(S):

MURALIDHARAN. P, AGED 42 YEARS
S/O.P.VISHNU NAMBOODIRI, HSST ENGLISH
CHATTANCHAL HIGHER SECONDARY SCHOOL, THEKKIL POST
KASARAGOD-671541. RESIDING AT PALAMANGALAM
UPPLIKAI (POST), KASARAGOD DISTRICT-671314.

BY ADVS.SRI.P.SANKARANKUTTY NAIR
SRI.K.SANDESH RAJA
SRI.VENU MENON

RESPONDENT(S):

1. THE MANAGER
CHATTANCHAL HIGHER SECONDARY SCHOOL
REPRESENTED BY DISTRICT EDUCATIONAL OFFICER
KASARAGOD-671541.
2. THE REGIONAL DEPUTY DIRECTOR
DEPARTMENT OF HIGHER SECONDARY EDUCATION
KANNUR (REGION), KANNUR-670001.

R2 BY SR. GOVERNMENT PLEADER SRI. M.A. FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 2809 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE SENIORITY LIST OF HSST, CHATTANCHAL, KASARAGOD AS ON 31/5/2014.

EXHIBIT-P2: TRUE COPY OF THE ORDER NO.EM5/34279/2010/DPI/K.Dis. DATED 10/11/2010

EXHIBIT-P3: TRUE COPY OF THE REPRESENTATION DATED 8/8/2014 ISSUED TO THE 1ST RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE REPRESENTATION DATED 17/12/2014 ISSUED TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

sou.

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.2809 of 2015
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Dated this the 16th day of February, 2015

JUDGMENT

Petitioner was appointed as HSST Junior in English in the first respondent school. Petitioner's claims is that he is the senior most teacher in HSST Junior and he is eligible for appointment by transfer to the post of HSST English. The vacancy in HSST English arose on the retirement of the Principal in that school. Even though the Manager has made appointments of Principal and Headmaster, the Manager has not appointed the petitioner as HSST English. Accordingly, petitioner has approached this Court.

2. Learned Government Pleader on instruction submits that there is a dispute regarding management and the Administrative Committee has not forwarded or recommended petitioner's name for appointment as HSST English. It is on account of this fact, the authorities were not able to consider the appointment of petitioner as HSST English.

3. It is admitted that on account of the dispute in the management, District Educational Officer was appointed as Manager. In view of the fact that DEO is the Manager, decision

shall be taken by the DEO in the matter of appointment of petitioner as HSST in English after affording an opportunity of hearing to the petitioner and Administrative Committee. Needful shall be done within a period of six weeks from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/18/02/15