

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 3005 of 2015 (A)

PETITIONER(S):

**T.P.SAJILA, AGED 27 YEARS,
WIFE OF ABDUL NAZAR, UPPER PRIMARY SCHOOL ASSISTANT,
VELLIYOOR A.U.P.SCHOOL (RELIEVED) NADUVANNUR,
PERAMBRA, KOZHIKODE (RESIDING AT ETTUTHENGIL HOUSE
NACHAT, KOZHIKODE DISTRICT).**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM - 695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION
CIVIL STATION, KOZHIKODE DISTRICT - 673 020.**
- 4. THE DISTRICT EDUCATIONAL OFFICER
VADAKARA, KOZHIKODE DISTRICT - 673 101.**
- 5. THE ASSISTANT EDUCATION OFFICER
PERAMBRA, KOZHIKODE DISTRICT - 673 525.**
- 6. THE MANAGER, VELLIYOOR A.U.P.SCHOOL, NADAVANNUR,
(VIA) PERAMBRA, KOZHIKODE - 673 614.**
- 7. SMT.G.D.SOUMYA, UPPER PRIMARY SCHOOL ASSISTANT
VELLIYOOR A.U.P.SCHOOL, NADUVANNUR, (VIA) PERAMBRA
KOZHIKODE DISTRICT - 673 614.**

R1-5 BY SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 11/06/2008 AND APPROVAL THEREOF.**
- EXT.P2: TRUE COPY OF THE LETTER OF THE MANAGER DATED 01/01/2013.**
- EXT.P3: TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 01/01/2013.**
- EXT.P4: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 12/06/2012.**
- EXT.P5: TRUE COPY OF THE ORDER OF THE ASSISTANT EDUCATIONAL OFFICER DATED 17/07/2012.**
- EXT.P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE GOVERNMENT DATED 22/01/2013.**
- EXT.P7: TRUE COPY OF THE G.O.(MS) NO. 275/99/G.EDN. DATED 09/11/1999.**
- EXT.P8: TRUE COPY OF THE ORDER OF THE GOVERNMENT DATED 11/07/2014.**
- EXT.P9: TRUE COPY OF THE ORDER OF THE ASSISTANT EDUCATIONAL OFFICER DATED 10/10/2014.**
- EXT.P10: TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DATED 31/12/2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.3005 of 2015

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner was appointed as UPSA in a leave vacancy from 11.6.2008 to 31.12.2012. Since the incumbent extended the leave till 31.12.2014, the Manager again appointed the petitioner in that vacancy from 1.1.2013 to 31.12.2014 without any break. The initial appointment was approved and the re-appointment was rejected by Ext.P9 order. In the meanwhile, there arose a divisional vacancy and in the regular vacancy, the Manager appointed the 7th respondent, a fresh hand on 29.12.2008 without considering the claim of the petitioner. The appointment of the 7th respondent was rejected by the Assistant Educational Officer. The Manager preferred an appeal before the Director of Public Instruction. The Director of Public Instruction directed the Assistant Educational Officer to approve the appointment with effect from 1.6.2011 and to include her in the teachers package.

Thereafter, the Assistant Educational Officer directed to approve the appointment of the petitioner with effect from 16.6.2008. Thereafter, the Assistant Educational Officer rejected the re-appointment of the petitioner on the reason that the post which she was working does not exist. Aggrieved by the order passed by the Assistant Educational Officer, the petitioner moved Ext.P10 before the Government. In view of the delay in considering Ext.P10, the petitioner has approached this Court.

Considering the facts and circumstances, there shall be a direction to the first respondent to consider and pass appropriate orders on Ext.P10 after hearing the petitioner and the Manager within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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