

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. 3028 of 2015 (C)

PETITIONER(S):

**MANAGER, SEETHI SAHIB MEMORIAL UP SCHOOL,
(SSM UP), KARALIKONAM, AYOOR,
KOLLAM - 691 533.**

**BY SRI.PRAVINDRAN, SENIOR ADVOCATE
ADV. SRI.SREEDHAR RAVINDRAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR EDUCATION,
THEVALLY P.O., KOLLAM - 691 009.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
ODANAVATTOM P.O., VELIYAM, KOLLAM - 691 512.**

BY SENIOR GOVERNMENT PLEADER SRI.V.VIJULAL

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

msv/

WP(C).No. 3028 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 4.6.2012.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 18.3.2013.

EXHIBIT P3: TRUE COPY OF THE COMMUNICATION DATED 23.5.2014.

EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 19.6.2014.

EXHIBIT P5: TRUE COPY OF THE COMMUNICATION DATED 1.11.2014.

EXHIBIT P6: TRUE COPY OF THE REVISION PETITION DATED 12.12.2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.3028 of 2015

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner is the Manager of an aided school. The petitioner submits that he appointed teacher as UPSA in a leave vacancy of one Smt.R.Sheena, an approved UPSA, who availed leave without allowance for three years. The appointment of the said teacher was approved by the Assistant Educational Officer with effect from 4.6.2012. In the meanwhile, by staff fixation order for the year 2013-2014, one post of UPSA was reduced on account of reduction of students. It is submitted that Smt.Sheena is entitled to protection and in view of the Government Orders prescribing ratio of 1:35, the post of Smt.Sheena could not have been abolished. However, the Assistant Educational Officer took the stand that in view of the revision of staff strength, the

teacher could not be paid salary. The Deputy Director also rejected the request on the plea that ratio 1:35 cannot be applied in favour of a substitute teacher. Against the order of Deputy Director of Education, the petitioner preferred Ext.P6 Revision before the Government.

In view of the facts and circumstances, there shall be a direction to the first respondent to consider and pass orders on Ext.P6 after hearing the petitioner and the affected persons 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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