

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. 3094 of 2015 (J)

PETITIONER(S) :

BINDUJA J.S. ,
W/O.EDWIN RAJ, UPSA, K.K.M. HIGHER SECONDARY SCHOOL,
VANDITHAVALAM, PALAKKAD DISTRICT.

BY ADV. DR.GEORGE ABRAHAM.

RESPONDENT(S) :

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
 2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695 001
 3. DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD - 678 001.
 4. DISTRICT EDUCATION OFFICER,
PALAKKAD-678 001,
 5. C. SARITHA,
UPPER PRIMARY SCHOOL ASSISTANT,
K.K.M. HIGHER SECONDARY SCHOOL, VANDITHAVALAM,
PALAKKAD DISTRICT-678 534.
 6. RAJEETHA B. ,
UPPER PRIMARY SCHOOL ASSISTANT,
K.K.M. HIGHER SECONDARY SCHOOL, VANDITHAVALAM,
PALAKKAD DISTRICT - 678 534.

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:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT P1: TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE PETITIONER BY THE MANAGER OF THE SCHOOL DATED 02.06.2008.
- EXT P2: TRUE COPY OF THE GOVERNMENT ORDER GO(RT) NO./218/08/GEN.EDN. DATED 09.01.2008.
- EXT P3: TRUE COPY OF THE APPROVAL ORDER ISSUED TO THE PETITIONER BY THE DEPUTY EDUCATION OFFICER, PALAKKAD DATED 08.03.2012.
- EXT P4: TRUE COPY OF THE ORDER ISSUED BY THE MANAGER OF THE SCHOOL ON 04.08.2012 TO THE PETITIONER SHIFTING HER TO THE PERMANENT VACANCY.
- EXT P5: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT ON 11.07.2012 IN WP(C)NO.15343/2012.
- EXT P6: TRUE COPY OF THE ORDER OF THE DIRECTOR OF PUBLIC INSTRUCTION DATED 17.09.2012.
- EXT P7: TRUE COPY OF THE GOVERNMENT ORDER DATED 09.11.1999.
- EXT P8: TRUE COPY OF THE GOVERNMENT ORDER GO(RT) NO.1825/2013.
- EXT P9: TRUE COPY OF THE STAFF FIXATION ORDER FOR THE ACADEMIC YEAR 2014-15.
- EXT P10: TRUE COPY OF THE PETITION DATED 18.04.2014 SUBMITTED BY THE PETITIONER TO THE GOVERNMENT.
- EXT P11: TRUE COPY OF THE JUDGMENT DATED 22.08.2014 IN WP(C) NO.22051/2014.
- EXT P12: TRUE COPY OF THE GO(RT)NO.138/2015/G. EDN DATED 12.01.2015.
- EXT P13: TRUE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 01.01.2015.
- EXT P14: TRUE COPY OF THE REVISION DATED 19.01.2015.
- EXT P15: TRUE COPY OF STAFF FIXATION OF 2009-10.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.3094 of 2015

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner was appointed as UPSA in a vacancy available in an aided school on 2.6.2008. The petitioner submits that the vacancy available consequent upon a leave availed by one of the teachers. It is submitted that, that was for the period from 4.8.2007 to 3.8.2012. Thereafter, on account of the promotion vacancy of one Sri.E.K.Sunilkumar, the petitioner was appointed. It is submitted that in the meanwhile, there occurred an additional division vacancy with effect from 2.6.2008. The 5th respondent is appointed in an additional vacancy. The petitioner submits that she is older than the 5th respondent. The petitioner was granted approval only for the period from 1.6.2011 to 3.8.2012. Thereafter, the petitioner was shifted to permanent vacancy arose in the school on account of the promotion granted to Sri.Sreenigesh

P.R with effect from 4.8.2012. The petitioner was reappointed to the post of UPSA with effect from 4.8.2012 to a vacancy arose due to the promotion of Sri.Sreenigesh. The petitioner submits that by Ext.P13 order, the approval was rejected. Challenging Ext.P13 order, the petitioner has preferred Ext.P14 revision petition before the Government. On account of delay in considering Ext.P14, 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.P14 after affording an opportunity of hearing to the petitioner and all other affected persons including respondents 5 and 6 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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