

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 16212 of 2004 (E)

PETITIONER(S):

JUJA C.GEORGE, ASST.TEACHER,
V.S.U.P.SCHOOL, VELLARAKKAD, TRICHUR DISTRICT.

BY ADVS.SMT.V.P.SEEMANDINI (SR.)
SMT.LEKSHMY RAMANATHAN

RESPONDENT(S):

1. THE STATE OF KERALA REP. BY ITS
SECRETARY TO GOVERNMENT, GENERAL EDUCATION, DEPARTMENT
SECRETARIAT, TRIVANDRUM.
2. THE DISTRICT EDUCATIONAL OFFICER,
TRICHUR.
3. THE ASSISTANT EDUCATIONAL OFFICER,
KUNNAMKULAM.
4. THE MANAGER, V.S.U.P.SCHOOL,
VELLARAKKAD, TRICHUR DISTRICT.
5. DAKSHAYANI.P.ASST.TEACHER,
V.S.U.P.SCHOOL, VELLARAKKAD, TRICHUR DISTRICT.

R,R5 BY ADV. SRI.ELVIN PETER P.J.
R,R1,2 & 3 BY ADV. GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

// TRUE COPY //

PA TO JUDGE

K. VINOD CHANDRAN, J.

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W.P.(C) No.16212 of 2004 - E

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Dated this the 1st day of September, 2015

J U D G M E N T

The petitioner challenged Rule 45 Chapter XIV A of Kerala Education Rules, 1959 (for brevity, 'Rule 45'). The petitioner is an under graduate L.P.S.A, who challenged the said rules since the 5th respondent satisfied the preferential claim conceded to graduates, on the basis of the service rendered. The challenge was made since Rule 45 stood against the petitioner's entitlement to be posted as a Head Mistress.

2. The learned Counsel appearing for the 5th respondent submits that in fact the 5th respondent had filed another writ petition, in which the 5th respondent was given favourable orders by virtue of which she was promoted in the year 2004 and has also now retired. The present incumbent is not made a party herein, since the present incumbent had a

better claim than the petitioner and the challenge made in the writ petition was only as against the vacancy, which arose in the year 2004 and at that point of time Rule 45 stood against the petitioner. In such circumstance, considering the challenge made, would be a mere academic exercise.

The writ petition would stand dismissed as infructuous, leaving open the issue. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.