

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C) .No. 3449 of 2015 (E)

PETITIONER(S) :

PREETHA PANDURANGU,
H.S.A (MATHEMATICS), THIRUMALA DEVASWOM HIGH SCHOOL,
MATTANCHERRY, ERNAKULAM, KOCHI-682 002.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.
3. DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM-682 001.
4. DISTRICT EDUCATIONAL OFFICER,
ERNAKULAM-682 001.
5. THE MANAGER,
T.D. CORPORATE EDUCATIONAL AGENCY,
COCHIN THIRUMALA DEVASWOM, GOSRIPURAM, KOCHI-682002.
6. THE HEADMISTRESS,
THIRUMALA DEVASWOM HIGH SCHOOL,
MATTANCHERRY, KOCHI - 682 002.
7. A.N.RAJASREE,
H.SA (MATHEMATICS), THIRUMALA DEVASWOM HIGH SCHOOL,
MATTANCHERRY, KOCHI-682 002.

BY SENIOR GOVERNMENT PLEADER SRI. M.A.FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 4.12.2000
ISSUED BY THE 4TH RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE APPOINTMENT ORDER DATED 4.6.2004
ISSUED BY THE 4TH RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE APPOINTMENT ORDER DATED 15.7.2009.

EXHIBIT P4: TRUE COPY OF THE APPOINTMENT ORDER DATED 19.7.2013.

EXHIBIT P5: TRUE COPY OF THE ORDER DATED 28.11.2014 ISSUED BY THE
4TH RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P7: TRUE COPY OF THE JUDGMENT DATED 29.3.2011 IN WPC
NO.28516/2010.

EXHIBIT P8: TRUE COPY OF THE CIRCULAR DATED 1.8.2012.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.3449 of 2015

Dated this the 3rd day of February, 2015

JUDGMENT

The petitioner is presently working as H.S.A. (Mathematics) at Thirumala Devaswom High School, Mattancherry in Ernakulam District. The petitioner was appointed as per Ext.P1 order during the period from 4.12.2000 to 29.3.2001. The said appointment was approved by the fourth respondent. Subsequently, she was appointed as UPSA in the very same school in a regular vacancy with effect from 4.6.2004 as per Ext.P2. This appointment was also approved. While continuing so, the petitioner was promoted to the post of H.S.A. (Mathematics) with effect from 15.7.2009. This appointment was in vacancy of a teacher who availed leave without allowance. This appointment was also approved. It is submitted that there is a regular vacancy on account of death of one Smt.V.G.Raji on

15.7.2013 and the petitioner was appointed in the said vacancy. However, by Ext.P5, the approval of appointment of the petitioner was declined for the reason that there is claim of the 7th respondent as under Rule 43.

2. The petitioner submits that the 7th respondent was retrenched from the service in the year 2010 and she was working as Cluster Coordinator as on 15.7.2013 when the regular vacancy of H.S.A. (Mathematics) arose. Challenging Ext.P5, the petitioner filed Ext.P6 Revision Petition before the first respondent.

Considering the pendency of Ext.P6, there shall be a direction to the first respondent to consider and pass appropriate orders on Ext.P6 after hearing the petitioner, Manager and the 7th respondent 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