

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 3529 of 2015 (M)

PETITIONER(S):

**RAJESH KUMAR G., S/O.GOPINATHAN NAIR,
AGED 37 YEARS, FULL TIME MENIAL,
V.P.M. H.S.S. VELLARADA, VELLARADA P.O., PIN-695 505,
THIRUVANANTHAPURAM DISTRICT, (UNDER ORDER
OF TERMINATION), RESIDING AT MURUKAVILASOM,
H.S.S. JUNCTION, VELLARADA,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.ARUN MATHEW VADAKKAN

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KILLIPALAM, THIRUVANANTHAPURAM-695 002.**
- 4. THE MANAGER, V.P.M. H.S.S, VELLARADA,
VELLARADA P.O., PIN-695 505,
THIRUVANANTHAPURAM DISTRICT.**

R1 TO R3 BY SR. GOVT. PLEADER SRI.M.A. FAYAZ.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 - TRUE COPY OF ORDER NO.ET4/16377/2010/DPI/K. DIS
DATED 08-03-2011 ISSUED BY THE 2ND RESPONDENT.
- EXT.P2 - TRUE COPY OF REPRESENTATION DATED 20-12-2013
SUBMITTED BY SMT.ABHAYA BEFORE THE 1ST RESPONDENT.
- EXT.P3 - TRUE COPY OF G.O.(RT)NO.2520/14/G.EDN. DATED 26-06-2014
ISSUED BY THE 1ST RESPONDENT.
- EXT.P4 - TRUE COPY OF ORDER NO.D/302/14 DATED 14-07-2014
ISSUED BY THE 4TH RESPONDENT.
- EXT.P5 - TRUE COPY OF REVIEW PETITION DATED 23-09-2014
SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
ALONG WITH ITS POSTAL RECEIPT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.
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Dated this the 4th day of February, 2015

JUDGMENT

Petitioner was appointed as Full Time Menial in the school of the 4th respondent. Petitioner claims that he is fully qualified for the post of Full Time Menial and he was appointed as Full Time Menial with effect from 20.10.2008. His claim was rejected on the ground that there is a claimant under Rule 51B of Chapter XIV A of the Kerala Education Rules. Petitioner admits that one Mrs. Abhaya raised claim for Full Time Menial post.

2. It is submitted that the Government passed Ext.P3 order directing the Manager to appoint Abhaya. Petitioner challenges Ext.P3 order. It is submitted that without hearing the petitioner, Ext.P3 order was passed. Therefore, petitioner raised his grievance by Ext.P5 Review Petition before the Government.

Under such circumstances, there shall be a direction to the 1st respondent to take appropriate decision on

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Ext.P5, after affording an opportunity of hearing to the petitioner and the aforesaid Abhaya and any other affected parties. This shall be done within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

**A.MUHAMED MUSTAQUE,
JUDGE**

das