

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C) .No. 4381 of 2014 (W)

PETITIONER(S) :

1. K.RASOBH AGED 27 YEARS
S/O.RAMACHANDRAN, UPPER PRIMARY SCHOOL ASSISTANT
HIGHER SECONDARY SCHOOL, KATAMPAZHIPURAM
OTTAPPALAMEDUCATION DISTRICT
PALAKKAD DISTRICT - 678 633

2. K.BINDU
UPPER PRIMARY SCHOOL ASSISTANT
HIGHER SECONDARYSCHOOL, KATAMAPAZHIPURAM
OTTAPPALAM EDUCATIONDISTRICT
PALAKKAD DISTRICT - 678 633

3. R,GEETHA
UPPER PRIMARY SCHOOL ASSISTANT
HIGHER SECONDARYSCHOOL, KATAMPAZHIPURAM
OTTAPPALAM EDUCATIONDISTRICT
PALAKKAD DISTRICT - 678 633

4. A.S.SARITHA
LOWER GRADE SANSKRIT TEACHER, HIGHER SECONDARYSCHOOL
KATAMPAZHIPURAM, OTTAPPALAM EDUCATIONDISTRICT
PALAKKAD DISTRICT - 678 633

BY ADVS.SRI.ABRAHAM VAKKANAL (SR.)
SRI.PAUL ABRAHAM VAKKANAL
SRI.DIJO SEBASTIAN
SMT.VINEETHA SUSAN THOMAS

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001

2. THE DEPUTY DIRECTOR OF EDUCATION
PALAKKAD DISTRICT - 678 001

3. THE DISTRICT EDUCATIONAL OFFICER
OTTAPPALAM PALAKKAD DISTRICT - 679 101
ACTING AS (MANAGER - HIGHER SECONDARY SCHOOL
KATAMPAZHIPURAMOTTAPALAM EDUCATION DISTRICT
PALAKKAD DISTRICT -678 633.

4. SREELATHA RAVEENDRAN
HIGH SCHOOL ASSISTANT (NATURAL SCIENCE)
HIGHER SECONDARY SCHOOL, KATAMPAZHIPURAM
OTTAPALAM EDUCATION DISTRICT
PALAKKADDISTRICT - 678 633

5. SREE RESHMI RAVINDRAN
HIGH SCHOOL ASSISTANT (ENGLISH)
HIGHER SECONDARY SCHOOL, KATAMPAZHIPURAM
OTTAPPALAM EDUCATIONDISTRICT
PALAKKAD DISTRICT - 678 633

6. SAJITH C
HIGH SCHOOL ASSISTANT (ENGLISH)
HIGHER SECONDARY SCHOOL, KATAMPAZHIPURAM
OTTAPPALAM EDUCATION DISTRICT
PALAKKADDISTRICT - 678 633

R4-R6 BY ADV. SRI.JACOB SEBASTIAN
R1-R3 BY ADV. GOVERNMENT PLEADER (SR): ADV.SMT.M J RAJASREE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-04-2015, ALONG WITH WPC. 5117/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P-1: TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER

EXT.P-2: TRUE COPY OF THE APPOINTMENT ORDER OF THE 2ND PETITIONER

EXT.P-3: TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER

EXT.P-4: TRUE COPY OF THE APPOINTMENT ORDER OF THE 4TH PETITIONER

EXT.P-5: TRUE COPY OF THE STAFF FIXATION ORDER

EXT.P-6: TRUE COPY OF THE STAFF LIST OF THE SCHOOL AS ON 1.7.2010
PREPARED BY THE MANAGER

EXT.P-7: TRUE COPY OF THE G.O(RT) NO.2542/10/G.EDN

EXT.P-8: TRUE COPY OF THE ORDER NO.K.DIS B2/2307/10

EXT.P-9: TRUE COPY OF THE G.O(RT) NO.2178/2010/G.EDN

EXT.P-10: TRUE COPY OF THE G.O(RT) NO.610/2011/G.EDN

EXT.P-11: TRUE COPY OF THE INTERIM ORDER IN IA NO.10203/11 IN WPC
NO.8971/2011

EXT.P-12: TRUE COPY OF THE ORDER NO.B2/2613/11 OF THE 3RD
RESPONDENT

EXT.P-13: TRUE COPY OF THE LETTER NO.58034/P2/11/G.EDN

EXT.P-14: TRUE COPY OF THE ORDER NO.B5/15814/11/K.DIS OF THE
DEPUTY DIRECTOR

EXT.P-15: TRUE COPY OF THE G.O(RT) NO.1744/2012/G.EDN

EXT.P-16: TRUE COPY OF THE ORDER NO.B2/2895/12 OF THE 3RD
RESPONDENT

EXT.P-17: TRUE COPY OF THE G.O(RT) NO.4876/2012/G.EDN

EXT.P-18: TRUE COPY OF THE CIRCULAR NO.13402/12/12/G.EDN

EXT.P-19: TRUE COPY OF THE JUDGEMENT IN WPC NO.23049/2007

EXT.P-20: TRUE COPY OF THE LETTER NO.7964/E3/09/G.EDN

EXT.P-21: TRUE COPY OF THE APPOINTMENT ORDER OF SMT.JYOTHILAKSHMI
T.P

EXT P22: TRUE COPY OF THE REGISTERED DOCUMENT NO.479/I/2015 OF SRO
KATAMPAZHIPURAM

EXT P23: TRUE COPY OF THE COMPROMISE PETITION FILED BEFORE SUB
COURT, OTTAPALAM IN OS 165/2005

EXT P24: TRUE COPY OF THE JUDGMENT IN OS NO.165/2005 OF SUB COURT,
OTTAPALAM

RESPONDENT(S) ' EXHIBITS:NIL

A.MUHAMED MUSTAQUE, J.
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W.P(C).Nos.4381 and 5117 of 2014
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Dated this the 10th day of April, 2015

JUDGMENT

Petitioners filed these Writ Petition aggrieved by non-approval of their appointments by the District Educational Officer.

2. It is submitted that issue relating to management has been settled through Civil Court and therefore, approval of the teachers by the Manager has to be considered by the third respondent, DEO.

3. In the light of the above, there shall be a direction to the District Educational Officer to consider approval of the petitioners in both Writ Petitions from the date of their respective appointments, which shall be done within a period of two months after affording an opportunity of hearing to the disputed parties to the managership from the date of receipt of a copy of this judgment. Petitioners shall also make available before the D.E.O all the records relating to the issue. If it is found that petitioners are eligible, entire arrears of salary shall be disbursed to the petitioners within a period of two months.

The Writ Petitions are disposed of. No costs.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.