

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 4774 of 2014 (V)

PETITIONER :

**ABDU RAHIMAN K.P.,
S/O.MUHAMMED, AGED 40 YEARS,
HSA (ENGLISH), K.P.MAYIN SAHIB MEMORIAL
HIGHER SECONDARY SCHOOL
ARIKKULAM, KOZHIKODE-673 620
RESIDING AT KUZHIPARAPPIL
IRINGATH P.O., PAYYOLI (VIA)
KOZHIKODE, PIN.673 521**

**BY ADVS.SRI.JACOB SEBASTIAN
SMT.SHAMSEERA C.ASHRAF
SMT.ANU JACOB**

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.**
- 2. THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, KOZHIKODE, PIN-673 001**
- 3. THE MANAGER
K.P.MAYIN SAHIB MEMORIAL HIGHER SECONDARY SCHOOL
ARIKKULAM, KOZHIKODE - 673 620**
- 4. DIVYA P, D/O.SREEDHARAN
PILAKODE HOUSE, NADERI PO., KUTHIRAKUDA DESOM
NADERI AMSOM, KOZHIKODE, PIN-673 326.**

**R1 & R2 BY SR. GOVT. PLEADER SRI. V. VIJULAL
R3 BY ADV. SRI.P.C.SASIDHARAN
R4 BY ADVS. SRI.P.R.SREEJITH
SRI.M.PROMODH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 4774 of 2014 (V)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 - A TRUE COPY OF THE ORDER OF APPOINTMENT DATED 14-8-1997
ISSUED BY THE 3RD RESPONDENT.**
- EXT.P2- A TRUE COPY OF THE ORDER DATED 30-6-2004 ISSUED BY THE
DISTRICT EDUCATIONAL OFFICER, VADAKARA.**
- EXT.P3 - A TRUE COPY OF THE REPRESENTATION DATED 17-5-2013
SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
ALONG WITH THE POSTAL RECEIPT.**
- EXT.P4 - A TRUE COPY OF THE REPRESENTATION DATED 21-11-2013
SUBMITTED BY THE PETITIONER BEFORE THE MINISTER FOR
EDUCATION.**
- EXT.P5- COPY OF THE QUERY AND INFORMATION OBTAINED BY THE
PETITIONER FROM THE OFFICE OF THE SECOND RESPONDENT BY
COMMUNICATION DATED 1 DECEMBER 2014 OF THE SECOND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.4774 of 2014

Dated this the 17th day of March, 2015

JUDGMENT

The petitioner is working as HSA (English) in the third respondent School. In the vacancy in HSST (Junior) (English), the 4th respondent was appointed. The petitioner disputes the action of the Manager in appointing the 4th respondent overlooking the claim of the petitioner. The petitioner's case is that he is entitled to be appointed as HSST (English) being a qualified hands by transfer and the Manager has no authority to make direct appointment.

2. The Manager submits that the appointment made by him is legal in as much as this was done by taking note of the cadre strength of the total post, the appointment has been made from the open market. The 4th respondent also support the stand of the Manager.

3. It is admitted that the authorities are yet to grant approval to the 4th respondent and it is submitted by the 4th respondent that it is on account of the objection raised by the petitioner, decision has not taken.

In view of the above, I am of the view, if no proposal is made by the third respondent, the Manager, he shall forward the proposal immediately. I am also of the view, this matter can be resolved by adverting to the various claims of the petitioner by the 4th respondent. Therefore, either on the proposal made by the Manager or based on the objection of the petitioner, an appropriate decision shall be taken by the second respondent after affording an opportunity of hearing to the petitioner, the Manager and the 4th respondent within a period of two 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