

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 4976 of 2015 (V)

PETITIONER(S) :

A.RADHIKA, AGED 39 YEARS
WIFE OF SHOJA,
HIGH SCHOOL ASSISTANT (SOCIAL SCIENCE)
KANNADI HIGHER SECONDARY SCHOOL, KANNADI
PALAKKAD DISTRICT - 678 701.

BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD

RESPONDENT(S) /RESPONDENTS:-:

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

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695 014.

3. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD DISTRICT - 678 001.

4. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD DISTRICT - 678 001.

5. THE MANAGER,
KANNADI HIGHER SECONDARY SCHOOL, KANNADI
PALAKKAD DISTRICT - 678 701.

R BY GOVERNMENT PLEADER SRI.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 08/06/2006 OF THE PETITIONER.

EXT.P2: TRUE COPY OF THE APPOINTMENT ORDER DATED 02/06/2008 OF THE PETITIONER.

EXT.P3: TRUE COPY OF THE ORDER NO. B4-3524/09/L.DIS DATED 24/12/2009 OF THE 4TH RESPONDENT.

EXT.P4: TRUE COPY OF THE ORDER NO. K.DIS. B4/2590/2010 DATED 03/05/2010 OF THE 3RD RESPONDENT.

EXT.P5: TRUE COPY OF THE ORDER NO. B3/21377/09 OF THE 3RD RESPONDENT DATED 08/06/2010.

EDT.P6: TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 01/06/2011.

EXT.P7: TRUE COPY OF THE ORDER NO. EM (1)/40089/2010/DPI/K.DIS DATED 20/12/2010 OF THE 2ND RESPONDENT.

EXT.P8: TRUE COPY OF THE ORDER NO. B4/8060/13/K.DIS. DATED 07/11/2014 OF THE 4TH RESPONDENT.

EXT.P9: TRUE COPY OF THE LETTER NO. 26472/A1/2011/G.EDN. DATED 18/11/2011 OF THE GOVERNMENT.

EXT.P10: TRUE COPY OF THE DECISION REPORTED IN 2011 (3) KHC 650 DATED 04/08/2010.

EXT.P11: TRUE COPY OF THE DECISION REPORTED IN 2013 (2) KHC 103 (DB) DATED 19/02/2013.

EXT.P12: TRUE COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DATED 17/01/2015 WITHOUT ANNEXURES.

EXT.P13: TRUE COPY OF THE GO(P) NO. 31/2006/GE DATED 19/01/2006 OF THE GOVERNMENT.

EXT.P14: TRUE COPY OF THE GO(RT) NO. 622/11/G.EDN DATED 14/02/2011 OF THE GOVERNMENT.

EXT.P15: TRUE COPY OF THE LETTER ADDRESSED TO THE DEPUTY DIRECTOR OF EDUCATION DATED 26/08/2009.

EXT.P16: TRUE COPY OF THE LETTER ADDRESSED TO THE DEPUTY DIRECTOR OF EDUCATION DATED 16/12/2009.

EXT.P17: TRUE COPY OF THE LETTER NO. B4/29410/09/K.DIS. DATED 23/02/2010 OF THE DEPUTY DIRECTOR, ADDRESSED TO THE MANAGER.

EXT.P18: TRUE COPY OF THE LETTER ADDRESSED TO THE DEPUTY DIRECTOR OF EDUCATION DATED 25/05/2010.

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 4976 OF 2015

Dated this the 13th day of March, 2015

JUDGMENT

The petitioner was appointed in an aided school from 8/6/2006 to 31/3/2009 in a leave vacancy of H.S.A. (Social Science). That period was approved. Since the teacher who went on leave rejoined the service on 14/8/2007, the petitioner was terminated from service. However, thereafter the petitioner re-appointed in the school on 2/6/2008 as H.S.A. (Social Science) against a retirement vacancy. But, approval for that appointment was rejected. The petitioner was appointed from 5/6/2010 to 31/3/2011 on daily wages. The petitioner submits that this appointment was in the regular vacancy arose on account of retirement. Challenging the non approval of the period of appointment from 2/6/2008 onwards and from 5/6/2010 on daily wages, the petitioner approached the Government by Ext.P12 revision. The petitioner's only request is for an early disposal of Ext.P12 revision. She relies on the decisions of this Court in **Nadeera T.S. and Another**

v. State of Kerala & Others (2011 (3) KHC 650) and State of Kerala and Others v. S.Haseena and Another (2013 (2) KHC 103 (DB) to support her contentions.

2. In the light of the above facts and circumstances, there shall be a direction to the first respondent to dispose of Ext.P12 revision, after adverting to the above decisions relied on by the petitioner, within four months from the date of receipt of a copy of this judgment after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

