

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C) .No. 8972 of 2012 (V)

PETITIONER(S) :

JINACHANDRAN C.,
S/O. NARAYANAN NAIR, LOWER PRIMARY SCHOOL ASSISTANT,
KURUVANGAD SOUTH U.P.SCHOOL, KOYILANDI-673 305,
RESIDING AT VENGILOT HOUSE, P.O.NADERY, KOYILANDY,
KOZHIKODE-673 326.

BY ADV. SRI.S.SUJIN.

RESPONDENT(S) :

1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVT.,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE-673 020.
3. THE ASSISTANT EDUCATIONAL OFFICER,
KOYILANDY, KOZHIKODE-673 305.
4. THE MANAGER,
KURUVANGAD SOUTHR U.P.SCHOOL, KOYILANDY,
KOZHIKODE-637 305.
5. SMT. SREEKALA M.,
W/O. MOHANAN, MADAVAMPAT, P.O.CHALIYAM,
KOZHIKODE-673 306.

BY SENIOR GOVERNMENT PLEADER SMT. SUNITHA VINOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-04-2015, ALONG WITH WPC NO.9224/2011, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE STAFF FIXATION ORDER NO. C 4671/2005 DATED 28-11-2005 FOR THE YEAR 2005-06 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P2: TRUE COPY OF THE STAFF FIXATION ORDER DATED 15-07-2006 FOR THE YEAR 2006-07 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P3: TRUE COPY OF THE STAFF FIXATION ORDER DATED 21-07-2001 FOR THE YEAR 2007-08 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P4: TRUE COPY OF THE ORDER DATED 30-06-2010 PASSED BY THE 2ND RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE GOVERNMENT ORDER G.GO.(RT)NO. 5384/2010 G.EDN. DATED 01-12-2010.
- EXHIBIT P6: TRUE COPY OF THE ORDER NO. D.DIS NO. 18537/2010 DATED 10-02-2011.
- EXHIBIT P7: TRUE COPY OF THE ORDER NO. D 1853/2010 DATED 17-03-2011 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P8: TRUE COPY OF THE SENIORITY LIST OF THE TEACHERS IN KURUVANGAD SOUTH U.P.SCHOOL.
- EXHIBIT P9: TRUE COPY OF THE G.O.(MS)NO.41/2011/G.EDN DATED 16-02-2011.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.8972/2012**  
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Dated this the 6th Day of April, 2015

J U D G M E N T

Petitioner is a Lower Primary School Assistant at Kuruvangad South U.P. School. He joined the school in the year 1998. The fourth respondent was appointed as an Upper Primary School Assistant in the year 2003. This writ petition is filed challenging Ext.P5 government order. Petitioner also challenges Ext.P6 staff fixation order.

2. The case of the petitioner is that the fifth respondent, though was appointed as UPSA, was retrenched from service on account of division fall and thereafter, she was retained under 1:40 ratio as LPSA from 2006-07, 2007-08 and 2008-09. However, the second respondent rejected the retention of the fifth respondent as LPSA. Thereafter, the Government as per Ext.P5 directed the third respondent to retain the

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fifth respondent as UPSA for the year 2009-10. Thereafter, again the fifth respondent was retrenched. She challenged her retrenchment in W.P.(C). No.9224/2011. Petitioner apprehends that his claim for promotion to the post of UPSA will be affected in the light of Exts.P5 and P6 orders.

3. This Court disposed W.P.(C).No.9224/2011 filed by the fifth respondent directing the Assistant Educational Officer to reconsider the matter. Therefore, in the light of the above, the Assistant Educational Officer shall consider the promotion of the petitioner after hearing the petitioner and the fifth respondent based on the order to be passed by the said Officer as per the direction of this Court in W.P.(C). No.9224/2011.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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