

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6148 of 2015 (P)

PETITIONER(S) :

THE MANAGER,
AHMED KURIKKAL MEMORIAL HIGHER SECONDARY SCHOOL,
KOTTOOR, INDIANOOR POST, KOTTAKKAL,
MALAPPURAM DIST 676 503.

BY ADV. SRI.P.K.MOHAMED JAMEEL.

RESPONDENT(S) :

1. STATE OF KERALA,
REP.BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIATE,
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM,
MALAPPURAM DIST - 676 001.

BY GOVERNMENT PLEADER SRI.V.VIJULAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 - TRUE COPY OF THE LIST OF APPOINTMENTS MADE BY THE
PETITIONER FROM 2011-2012 ONWARDS.

EXT.P2 - TRUE COPY OF THE REPRESENTATION DATED 25-1-2015 SUBMITTED
BEFORE THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 6148 of 2015

Dated this the 26th day of February, 2015

J U D G M E N T

The petitioner is the Manager of an aided school. Due to the exceptional pupils strength, additional divisions were created and thus teachers were appointed against these divisions from 2011-2012 onwards in both additional leave vacancies. Since no additional posts were sanctioned from 2011-12 onwards, all the appointments were rejected by the District Educational Officer, Malappuram. The petitioner submits that the teachers are working without salary for the last few years for want of sanctioning of posts and approval.

2. The learned Senior Government Pleader Points out that petitioner cannot appoint teachers without obtaining previous sanction. Any appointment made by him without obtaining previous sanction is illegal and unsustainable. Therefore, the request of the petitioner cannot be considered.

3. I am of the view that whether the approval has to be granted or not is to be decided by the Government.

Therefore, there shall be a direction to to the 1st respondent to take appropriate decision on Ext.P2 within a period of four 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**

jm/

The judgment dated 26.2.2015 in W.P.(C) No.6148/2015 is suo motu corrected as follows, vide order dated 10.4.2015:

The words “There will be a further direction to hear the petitioner before taking such a decision” is added as the last sentence of the 3rd paragraph of the judgment.

Registrar (Judicial)