

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C) .No. 6403 of 2015 (A)

PETITIONER(S) :

RESMI K.S.,
CHERUKAPPURATHILLAM,
MARIATHURUTH P.O., KOTTAYAM-686 017,
(HSA , DEVI VILASOM HIGH SCHOOL, KUMARANALLOOR,
KOTTAYAM) .

BY ADV. SRI.T.S.RAJASENAN.

RESPONDENT(S) :

1. STATE OF KERALA,
REP BY ITS SECRETARY, GENERAL EDUCATION (A) DEPARTMENT,
THIRUVANANTHAPURAM
2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM-686 001.
4. THE DISTRICT EDUCATIONAL OFFICER,
KOTTAYAM-686 001
5. THE MANAGER,
DEVI VILASOM HIGH SCHOOL, KUMARANALLOOR,
KOTTAYAM-686 016.

R5 BY ADV. SRI.PHILIP T.VARGHESE,
R5 BY ADV. SRI.THOMAS T.VARGHESE,
R5 BY ADV. SMT.ACHU SUBHA ABRAHAM,
R5 BY ADV. SMT.K.R.MONISHA,
R5 BY ADV. SRI.ANIL NAMBOODIRI &
BY SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1:- TRUE COPY OF THE APPOINTMENT ORDER OF M.N. NEELAKANDAN NAMPOOTHIRI DTD 14/5/2010.
- EXT. P2:- TRUE COPY OF THE RELINGUISHMENT STATEMENT DTD 5/10/2009.
- EXT. P2(A):- TRUE COPY OF THE CIRCULAR NO ET3/87201/96 DTD 6/1/1997.
- EXT. P3:- TRUE COPY OF APPOINTMENT ORDER ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER DATED 01/06/2010.
- EXT. P4:- TRUE COPY OF THE CERTIFICATE DTD 30/12/2014 ISSUED BY THE 4TH RESPONDENT.
- EXT. P5:- TRUE COPY OF THE LETTER REGARDING LIST OF ENCLOSURES DOCUMENT NO 91/10 DTD 1/6/2010.
- EXT. P6:- TRUE COPY OF THE REJECTION ORDER NO B5/LDIS B5/4140/10 DTD 24/3/2011 ISSUED BY THE 4TH RESPONDENT.
- EXT. P7:- TRUE COPY OF THE LETTER NO 9124/S3/05/G.EDN DTD 25/4/2005 ISSUED BY THE 1ST RESPONDENT.
- EXT. P8:- TRUE COPY OF THE APPEAL FILED BY THE 4TH RESPONDENT DTD 29/5/2011 BEFORE THE 3RD RESPONDENT.
- EXT. P9:- TRUE COPY OF THE REJECTION ORDER NO B4/6727/2011/K.DIS DTD 24/9/2011 ISSUED BY THE 3RD RESPONDENT.
- EXT. P10:- TRUE COPY OF THE APPEAL FILED BY THE 5TH RESPONDENT DTD 12/10/2011.
- EXT. P11:- TRUE COPY OF THE REJECTION ORDER ISSUED BY THE 2ND RESPONDENT NO ET(2)69554/2011 DPI/D.DIS DTD 28/9/2012.
- EXT. P12:- TRUE COPY OF THE APPEAL FILED BY THE MANAGER DTD 29/10/2012.
- EXT. P13:- TRUE COPY OF THE ORDER NO 41988/A1/2013/G.EDN DTD 28/4/2014.
- EXT. P14:- TRUE COPY OF THE REPRESENTATION TO THE 4TH RESPONDENT DTD 24/1/2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.6403 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner has been appointed as H.S.A (Natural Science) in a retirement vacancy in Devi Vilasom High School, Kumaranalloor on 01.06.2010. The approval has been rejected by the authorities on the ground of relinquishment under Rule 43 of K.E.R. It seems that the Manager has not followed the procedure as contemplated under paragraph 3 of the Government letter No.9124/S3/05/G.Edn. dated 25.04.2005.

2. In view of the fact that the only objection is based on Rule 43 claim of one teacher, I am of the view that the D.E.O shall issue notice to the claimant, who is now identified as one M.N. Neelakandan Namboothiri and take appropriate decision within two months from the date of receipt of a copy of this judgment. On approval, the entire arrears of salary shall be paid to the petitioner within three months thereafter.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. to Judge

st/-