

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

W.P(C) NO.9540/2011

PETITIONER:

**PRAKASH.T.K,HIGHER SECONDARY SCHOOL TEACHER
(JUNIOR) (HINDI),SREE NARAYANA HIGHER SECONDARY SCHOOL,
NANKICITY,KANHIKUZHI P.O,DUKKI DISTRICT.**

BY ADV.SRI.M.SASINDRAN

RESPONDENTS:

- 1. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM-695001.**
- 2. STATE OF KERALA, REP.BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (T) DEPARTMENT,
SECRETARIAT,THIRUVANANTHAPURAM-695001.**
- 3. THE MANAGER,SREE NARAYANA HIGHER SECONDARY SCHOOL,
NANKICITY,KANHIKUZHI P.O,DUKKI DISTRICT.**

R1 & R2 BY SENIOR GOVT. PLEADER SMT.SUNITHA VINOD.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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W.P(C) NO.9540/2011

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:A TRUE COPY OF THE ORDER DATED 31.8.1999 ISSUED BY THE FIRST RESPONDENT.

EXT.P2:A TRUE COPY OF THE STAFF FIXATION ORDER OF THE SCHOOL FOR THE YEAR 2000-2001 AND 2001-2002.

EXT.P3:A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE MANAGER AGAINST THE EXT.P2.

EXT.P4:A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR DATED 22.12.2008.

EXT.P5:A TRUE COPY OF THE REPLY DATED 10.2.2009 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXT.P6:A TRUE COPY OF THE PROFORMA APPLICATION ALONG WITH THE ADDITIONAL SHEET SENT BY THE PRINCIPAL ON 22.3.2010.

EXT.P7:A TRUE RELEVANT COPY OF THE G.O(MS)53/2011/GEN.EDN. DATED 26.2.2011.

RESPONDENT'S EXHIBITS:

EXT.R1(a):A TRUE COPY OF THE CIRCULAR NO.ACD.C3/2063/13/HSE, DATED 6.4.2013.

EXT.R1(b):A TRUE COPY OF THE CIRCULAR DATED 17.12.2013.

EXT.R1(c):A TRUE COPY OF THE LETTER DATED 23.1.2015.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.9540 of 2011

Dated this the 19th day of March, 2015

JUDGMENT

The petitioner is working as HSST (Junior) (Hindi) in the third respondent School. The petitioner approached this Court challenging Ext.P7 to the extent of upgradation HSST (Junior) (Hindi). The petitioner submits that there is anomaly in Ext.P7, the post ought to have been upgraded as HSST (Hindi).

2. In this matter, a counter affidavit has been filed by the first respondent. It is stated in paragraph-5 of the counter affidavit as follows:

“It is submitted that as per this office letter No.Acd.B3/557001/HSE dated 19.8.2010, a proposal had been sent to Government requesting to upgrade the post of HSST (Jr) Hindi in S.N.H.S.S. Nankicity on the basis of the Staff fixation report 2002-03 given by the Regional Deputy Director, Ernakulam. However, as

per Ext.P7, by mistake the Government have sanctioned only HSST(Jr) post in this school. In order to rectify this mistake, a proposal has been submitted to Government vide this office letter No.Acd.B5/5570/2001/HSE dated 1.3.2012. It is submitted that in order to submit the consolidated recommendation to the Government to rectify the anomalies occurred in the previous orders of Post Creation, application have been invited as per this office circular No.Acd.C3/2063/13/HSE dated 06.4.2013 and on the basis of this circular, the Principal vide letter dated 17.4.2013 requested simply for the post of HSST (Hindi) ought to have created during the academic year 2000-01 itself but did not provide the staff fixation order. It is submitted that the second respondent has not yet issued order on the proposal dated 1.3.2012 submitted from this office in connection with the post creation in the third respondent's school and at this juncture action is being taken to include this matter in the combined proposal which will be submitted to Government shortly."

3. It is submitted that there was some anomaly in sanctioning HSST (Junior) (Hindi) post in the School. However, in order to correct the anomaly, the present status

has to be ascertained and therefore, the Manager has to forward the current staff fixation order. This was also communicated to the Manager by the Director of Higher Secondary Education as per Ext.R1(c).

In view of the above, there shall be a direction to the Manager to forward staff fixation for the current year 2014-2015 to the Director of Higher Secondary Education within one month. Thereafter, on receipt of the same, the Director of Public Instructions shall take steps to forward the same to the Government and to correct the same to upgrade the post of HSST (Junior) (Hindi). The Government shall take a decision within an outer limit of two months from the date of receipt of the same from the Director of Public Instructions.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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