

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

O.P.No.35696 of 2000 (Y)

PETITIONER(S):-

M.J.SAJEEV,
H.S.A.MALAYALAM, ST.MAY'S HIGHER SECONDARY SCHOOL,
PATTOM, THIRUVANANTHAPURAM.

BY ADV. SMT.I.SHEELA DEVI.

RESPONDENT(S):-

1. DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR, THIRUVANANTHAPURAM.
2. CORPORATE MANAGER,
MALANKARA SYRIAN CATHOLIC SCHOOLS,
PATTOM, THIRUVANANTHAPURAM.
3. SAJI THOMAS,
H.S.S.T. (MALAYALAM), ST.THOMAS HIGHER SECONDARY SCHOOL,
PATTOM, THIRUVANANTHAPURAM.
4. JOHN.T.T.,
H.S.S.T. (MALAYALAM), POPE PIUS HIGHER SECONDARY SCHOOL,
KATTANAM, BHARANIKKAVU.
5. SMT.DAISY, ST.JOHN'S HIGHER SECONDARY SCHOOL,
NALANCHIRA, THIRUVANANTHAPURAM.
6. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1 & R6 BY GOVERNMENT PLEADER SRI.S.JAMAL.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

O.P.NO.35696 OF 2000-Y

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 14.06.2000
SUBMITTED BY THE PETITIONER BEFORE THE MANAGER.
- EXT.P2 TRUE COPY OF THE ORDER NO.G.O.(MS).298/2000/G.EDN.
DATED 25.08.2000 ISSUED BY THE GOVERNMENT.
- EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 1.9.2000
SUBMITTED BY THE PETITIONER BEFORE THE 1ST
RESPONDENT.
- EXT.P4 TRUE COPY OF THE JUDGMENT DATED 5.9.2000 IN
O.P.NO.25787/2000 OF THIS HON'BLE COURT.
- EXT.P5 TRUE COPY OF THE ORDER NO.ACD.B1/17957/HSE/2000
DATED 25.10.2000 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:-

vku/-

[true copy]

K. Vinod Chandran, J

O.P.No.35696 of 2000-Y

Dated this the 08th day of September, 2015

JUDGMENT

The petitioner, by virtue of his seniority as a High School Assistant [for brevity "HSA"] (Malayalam), claimed appointment to one of the posts of Higher Secondary School Teacher [for brevity "HSST"] under the Corporate Management, the 2nd respondent. A selection was held and the respondents 3 to 5, who were also engaged under the Corporate Management, were selected. The petitioner challenges their selection on the ground that they are juniors to the petitioner.

2. The petitioner had approached this Court earlier in O.P.No.25787 of 2000, which was disposed of directing consideration of the petitioner's representation. The petitioner's representation was considered and rejected by Exhibit P5, which is impugned herein.

3. In Exhibit P5 the authority has clearly found that the selection made by the 2nd respondent was in accordance with the orders of the Hon'ble Supreme Court, which directed a Select

Committee to be constituted for making the *ad hoc* appointments to the HSSTs, at that point of time. The 2nd respondent clearly stated before the authorities that the selections were made in accordance with such directions and seniority could not be the sole criterion for such selection. The authority in Exhibit P5 has also examined the norms framed and the procedure of selection conducted, wherein the petitioner was ranked as No.4. Respondents 3 to 5, who were ranked 1 to 3, were selected. Considering the fact that the appointments were made on a *ad hoc* basis and further that there is no procedural irregularity, the Original Petition is found to be devoid of merit and the same is dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]