

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

WP(C).No. 8804 of 2015 (A)

PETITIONER(S):

**RAHUL S.CHUNGATH, SON OF SHIBU C.JOB,
AGED 23 YEARS, DRAWING TEACHER,
AL-AMEEN HIGHER SECONDARY SCHOOL,
KECHERY, THRISSUR DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED,
SRI.V.RAJASEKHARAN NAIR.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM -695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR AT AYYANTHOLE -680 003.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
THRISSUR DISTRICT - 680 001.**
- 5. THE MANAGER,
AL AMEEN HIGHER SECONDARY SCHOOL,
KEECHERY, THRISSUR - 680 501.**

R1 TO R4 BY SR. GOVT. PLEADER SRI.V. VIJULAL.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1- TRUE COPY OF THE ORDER NO. D1/237/2013/L. DIS DATED 31/05/2013 OF THE 3RD RESPONDENT.
- EXHIBIT-P2- TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 03/06/2013.
- EXHIBIT-P3- TRUE COPY OF THE STAFF FIXATION ORDER 2013-2014 DATED 13/05/2014.
- EXHIBIT-P4- TRUE COPY OF THE STAFF FIXATION ORDER 2014-2015 DATED 15/07/2014.
- EXHIBIT-P5- TRUE COPY OF THE ORDER NO. B5-18471/12 DATED 06/12/2013 OF THE 3RD RESPONDENT.
- EXHIBIT-P6- TRUE COPY OF THE ORDER NO. B2/4801/13/K.DIS DATED 24/10/2013 OF THE 4TH RESPONDENT.
- EXHIBIT-P7- TRUE COPY OF THE ORDER NO. EC(5)/62969/2014/DPI/D.DIS DATED 06/12/2014 OF THE 2ND RESPONDENT
- EXHIBIT-P8- TRUE COPY OF THE REVISION PETITION FILED BY THE MANAGER DATED 28/01/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.8804 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

The petitioner has been appointed as Drawing Teacher with effect from 03.06.2013 in a retirement vacancy. The petitioner's approval of appointment was rejected by the authorities. Thereupon, the Manager of the School had preferred a revision appeal before the Director of Public Instructions. By Ext.P7 order, the appeal was rejected by the D.P.I., pointing out that as per the G.O.(Ms) No.139/2012/Gen.Edn. dated 02.05.2012, the appointment has to be made through the Public Service Commission and therefore the Manager has no right to appoint the petitioner.

2. This Court in the judgment in W.P.(C) No.30107/2013 & connected cases, quashed the above Government Order. In view of the matter, there is no impediment in approving the appointment.

3. Accordingly, there shall be a direction to approve the appointment of the petitioner. Needful shall be done to approve the appointment of the petitioner, if it is otherwise in order, and on approval, the arrears of salary shall be disbursed to him within a period of three 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.

//true copy//

P.S. to Judge

st/-