

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

W.P.(C).No.20233 of 2005 (H)

PETITIONER(S):

LEELAVATHYAMMA.P.,
LPSA, AUPS, EZHUMANGAD,
PALAKKAD DISTRICT.

BY ADV. SRI.P.BHASKARAN.

RESPONDENT(S):-

1. THE ASSISTANT EDUCATIONAL OFFICER,
THRITHALA, PALAKKAD DISTRICT,
EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE MANAGER,
AUPS, EZHUMANGAD.
3. M.NANDINI, LPSA, AUPS.
EZHUMANGAD, PALAKKAD DISTRICT.

R1 BY GOVERNMENT PLEADER SRI.T.R.RAJESH.
R3 BY ADV. SRI.B.UNNIKRISHNA KAIMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 - TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.25418/2004
DATED 29.03.2005 OF THIS HONOURABLE HIGH COURT.
- EXT.P2 - TRUE COPY OF THE REPRESENTATION DATE 6.6.2005
SUBMITTED BY THE PETITIONER BEFORE THE
1ST RESPONDENT.
- EXT.P3 - TRUE COPY OF THE REPRESENTATION DATED 10.06.2005
SUBMITTED BY THE PETITIONER BEFORE THE
2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

- EXT.R3(a) TRUE COPY OF THE SENIORITY LIST OF LPSAs/UPSAs
AS ON 1.1.2005.
- EXT.R3(b) TRUE COPY OF THE APPOINTMENT ORDER DATED 31.3.2005
ISSUED BY THE 2ND RESPONDENT WITH ENDORSEMENT
OF APPROVAL BY THE 1ST RESPONDENT DT.13.6.2005.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.20233 of 2005-H

Dated this the 01st day of December, 2015

JUDGMENT

The petitioner challenged the promotion of the 3rd respondent as Headmistress of the Upper Primary School. The petitioner, admittedly, was senior to the 3rd respondent; but was not qualified to the said post. Going by Rule 45 of Chapter XIV-A of Kerala Education Rules, 1959 [for brevity “KER”], the post of Headmaster of a complete Upper Primary School has to be filled from among the qualified teachers on the staff of the school. The qualification prescribed is SSLC or equivalent examination with TTC issued by the Board of Public Examination or a degree in any subject and B.Ed. conferred by the Universities in Kerala or equivalent. Rule 45, as it existed then, also provided that graduate teachers with B.Ed. or other equivalent qualification with at least five years experience in teaching may be appointed as Headmaster, provided he/she has got a service equal to half of the period of service of the senior-most under-graduate teacher.

2. The petitioner is an under-graduate, while the 3rd respondent is a graduate. While the petitioner had 27 years of service, the 3rd respondent had 23 years. In such circumstance, the 3rd respondent, being a graduate, was entitled to be posted as Headmistress of the U.P. School.

The writ petition is devoid of merit and the same is dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]