

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 10312 of 2014 (L)

PETITIONER(S):

ANOOP N.M.
HSA MALAYALAM, MES HSS, IRIMBILIYAM
VALANCHERY, MALAPPURAM.

BY ADVS.SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY
SRI.TONY AUGUSTINE

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENEREAL EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695001.
3. THE DISTRICT EDUCATIONAL OFFICER,
TIRUR, MALAPPURAM-676505.
4. THE CORPORATE MANAGER,
MES SCHOOLS, MES OFFICE, BANK ROAD
CALICUT-673001.

R1-R3 BY ADV. GOVERNMENT PLEADER SMT A LOWSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10312 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE APPOINTMENT ORDER DATED 6-6-2005 ISSUED TO THE PETITIONER FROM THE 4TH RESPONDENT.

EXT.P2. TRUE COPY OF THE LETTER FROM THE 1ST RESPONDENT DATED 7-8-2013.

EXT.P3. TRUE COPY OF THE LETTER FROM THE 2ND RESPONDENT DATED 11-10-2013 TO THE 3RD RESPONDENT.

EXT.P4. TRUE COPY OF THE LETTER DATED 8-2-2014 FROM THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 10312 of 2014

Dated this the 30th day of September, 2015

J U D G M E N T

The petitioner is aggrieved by Exts.P2, P3 and P4, by which the approval granted was withdrawn for reason of the 4th respondent Manager having not appointed a protected teacher. The petitioner was appointed as HSA(Malayalam) in a newly created post in 2005-06 on 06.06.2005. The petitioner's approval was also granted. However, subsequently after eight years, by Ext.P2, the same was withdrawn on the ground that even if a protected hand was not available in the district, the Manager ought to have appointed a protected teachers from a nearby district. The issue is covered by a judgment of this Court reported in Moosakutty v. D.E.O., Wandoor [2009 (3) KLT 863] . In such circumstance, nothing remains to be considered in the writ petition. Following the above binding precedent, Exts.P2, P3 and P4 are set aside. The petitioner's approval shall be regularised.

Writ petition stands allowed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge

jma