

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 11241 of 2015 (E)

PETITIONER(S) :

1. ARUN BABU T.
S/O.BABU T.
HIGHER SEDENTARY SCHOOL TEACHER (JUNIOR) ECONOMICS
SREE VIVEKANANDA HIGHER SECONDARY SCHOOL PALAMEDU
MALAPPURAM.

2. SARITHA P.
HIGHER SEDENTARY SCHOOL TEACHER (JUNIOR) HISTORY
SREE VIVEKANANDA HIGHER SECONDARY SCHOOL PALAMEDU
MALAPPURAM.

BY ADVS.SRI.M.P.ASHOK KUMAR
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA

RESPONDENT(S) :

1. STATE OF KERALA
REP.BY ITS EDUCATION SECRETARY
SECRETARIAT THIRUVANANTHAPURAM - 695 001.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM 695001.

3. THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY SCHOOL SECTION, B2 BLOCK
CIVIL STATION MALAPPURAM - 676 505.

4. THE PRINCIPAL
SREE VIVEKANANDA HIGHER SECONDARY SCHOOL
PALAMEDU MALAPPURAM - 679 331.

R BY GOVERNMENT PLEADER (SR): ADV SRI. V. VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P1 - PHOTOCOPY OF THE APPOINTMENT ORDER DATED 09.09.2013 OF THE
1ST PETITIONER.

EXT.P2 - PHOTOCOPY OF THE APPOINTMENT ORDER DATED 09.09.2013 OF THE
2ND PETITIONER.

EXT.P3 - PHOTOCOPY OF THE PROPOSAL DATED 06.08.2014 OF DIRECTOR OF
HIGHER SECONDARY EDUCATION.

EXT.P4 - PHOTOCOPY OF THE ORDER DATED 23.10.2014 APPROVING THE
APPOINTMENT OF SRI.SUNIL BABU K.C.

EXT.P5 - PHOTOCOPY OF THE ORDER DATED 03.09.2014 APPROVING THE
APPOINTMENT OF SRI.MAHESH MATHEW

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.11241 of 2015
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Dated this the 07th day of April, 2015

JUDGMENT

Petitioners approached this Court aggrieved by non-approval of their appointments as HSST Junior in History and Economics in the Sree Vivekananda Higher Secondary School, Palamedu. Petitioners claim that they were appointed in open vacancies. Petitioners rely on proposal forwarded by the Director of Higher Secondary Education recommending sanctioning of additional posts to the school. Therefore petitioners submit that Government may be directed to take a decision on Ext.P3 and approve the appointments of petitioners accordingly.

2. Learned counsel for the petitioners points out Exts.P4 and P5 and submits that other teachers were appointed in the school on the same day in Arabic and Commerce. Government accorded sanction for creating posts and therefore, there is no reason for denying sanctioning of the posts to which petitioners were appointed.

3. Learned Government Pleader opposed the prayer and submits that appointments of the petitioners itself are irregular.

It is further submitted that no post was created by the Government and therefore petitioners cannot claim any right for approval of appointments.

4. In the circumstance, I am of the view, since Ext.P3 recommendation is pending before the Government, Government will have to take a decision in the matter for creating posts and approval will be depend upon such decision of the Government. In view of the matter, there shall be a direction to the Government to take appropriate decision on Ext.P3 within a period of three months from the date of receipt of a copy of this judgment. Petitioners may be heard before a final decision is taken in the matter.

The Writ Petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.