

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 11918 of 2014 (L)

PETITIONER :

**BILJO K.VARGHESE,
D/O. K.K.VARGHESE, AGED 27 YEARS,
LOWER PRIMARY SCHOOL ASSISTANT,
JAMA-ATH HIGHER SECONDARY SCHOOL, THANDAKKAD,
RESIDING AT KALLARAKKAL HOUSE, THURUTHY P.O.,
KURUPPAMPADY, ERNAKULAM DISTRICT.**

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S):

- 1. THE ASSISTANT EDUCATIONAL OFFICER,
PERUMBAVOOR, ERNAKULAM DISTRICT-683 542.**
- 2. THE DISTRICT EDUCATIONAL OFFICER,
KOTHAMANGALAM, ERNAKULAM DISTRICT-686 691.**
- 3. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 4. THE MANAGER,
JAMA-ATH HIGHER SECONDARY SCHOOL, THANDAKKAD,
RESIDING AT KALLARAKKAL HOUSE, THURUTHY P.O.,
KURUPPAMPADY, ERNAKULAM DISTRICT-683 547.**

R1 TO R3 BY SR GOVERNMENT PLEADER SMT.M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE APPOINTMENT ORDER ISSUED AS LOWER PRIMARY SCHOOL ASSISTANT ISSUED BY THE 4TH MANAGER TO THE PETITIONER.
- P2 : COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER, KOTHAMANGALAM, DTD. 19.11.2013.
- P3 : COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER BY THE PRINCIPAL OF THE SCHOOL.
- P4 : COPY OF THE MARK LIST OF B.ED. EXAMINATION ISSUED TO THE PETITIONER BY BANGALORE UNIVERSITY.
- P5 : COPY OF THE MARK LIST ISSUED BY BANGALORE UNIVERSITY TO THE PETITIONER FOR THE EXAMINATION HELD IN DECEMBER, 2000.
- P6 : COPY OF THE DEGREE OF BACHELOR OF EDUCATION AWARDED TO THE PETITIONER BY THE BANGALORE UNIVERSITY.
- P7 : COPY OF THE COMMUNICATION ISSUED TO THE DISTRICT EDUCATIONAL OFFICER BY THE BANGALORE UNIVERSITY.
- P8 : COPY OF THE REVISION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.11918 of 2014

Dated this the 16th day of January, 2015

JUDGMENT

The petitioner while working as Lower Primary School Assistant(LPSA) was promoted as High School Assistant (HSA). The petitioner acquired B.Ed degree from the Bangalore University, which is produced as Ext.P6. The appointment of the petitioner was not approved as per Ext.P2 as follows:

1. The teacher is not qualified to hold the post of HSA(English) since the acquired B.Ed qualification is not through the regular course. She has not availed any kind of leave during the entire period of the B.Ed Course.
2. The optional subject of B.Ed Course is not seen specified in the degree certificate awarded by the Bangalore University.

2. It is submitted by the learned counsel for the petitioner that the only question that can be adverted by the District Educational Officer whether the qualification acquired by the petitioner is valid or not. The Manager forwarded the appointment order to the District Educational Officer. The District Educational Officer rejected the approval as per Ext.P2. Challenging Ext.P2, the petitioner has preferred Ext.P8 revision before the third respondent.

I am also of the view, the only question that germane for consideration is whether the B.Ed Course acquired by the petitioner is valid one or not. If the B.Ed degree is valid, the authority has to accept the same. The question whether the petitioner had sufficient number of attendance for acquiring the B.Ed Course is not relevant for consideration for approving the qualification. The validity of the qualification alone is the criteria. That being so, after adverting to the

validity of the qualification acquired by the petitioner, necessarily, orders shall be passed by the third respondent on Ext.P8 within a period of two months after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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