

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11886 of 2015 (I)

PETITIONER(S) :

GEETHA K.A. AGED 47 YEARS
KUTTAMPARAMBATH HOUSE, THAMBAMKADAVU PO
THALIKULAM 680569

BY ADVS.SRI.M.R.ANISON
SMT.P.A.RINUSA

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION, GOVT. SECRETARIAT
THIRUVANANTHAPURAM 695001

2. THE DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM

3. THE DISTRICT EDUCATIONAL OFFICER
CHAVAKKAD, THRISSUR DISTRICT

4. THE ASSISTANT EDUCATIONAL OFFICER
VALAPPAD 680567

5. THE MANAGER
AIDED MAPPILA UPPER PRIMARY SCHOOL, THALIKULAM
THALIKULAM PO, PIN 680569

6. T.R.ANEESHA
PART TIME SANSKRIT TEACHER
AIDED MAPPILA UPPER PRIMARY SCHOOL, THALIKULAM
THALIKULAM PO, PIN 680569

7. IC.RAMACHANDRAN
UPPER PRIMARY SCHOOL ASSISTANT
AIDED MAPPILA UPPER PRIMARY SCHOOL, THALIKULAM
THALIKULAM PO, PIN 680569

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT P1:A TRUE COPY OF THE GO (MS) NO.92/88/G.EDN. DATED 02.05.1988

EXT P2:TRUE COPY OF THE PETITIONER'S APPOINTMENT AS ON 07.01.1997
ISSUED BY THE 5TH RESPONDENT

EXT P3:TRUE COPY OF THE STAFF STATEMENT OF THE SCHOOL AS ON
07.10.2013 PREPARED BY THE HEADMISTRESS OF THE SCHOOL

EXT P4:TRUE COPY OF APPOINTMENT ORDER DATED 07.10.2013 ISSUED BY THE
5TH RESPONDENT

EXT P5:A TRUE COPY OF THE ORDER NO.1508/2014 DATED 07.07.2014 ISSUED
BY THE 4TH RESPONDENT

EXT P6:A TRUE COPY OF THE RELINQUISHMENT LETTER DATED 31.03.1999
ALLEGEDLY SUBMITTED BY THE PETITIONER

EXT P7:TRUE COPY OF THE ORDER NO.B 17044/14/K.DIS DATED 19.12.2014
ISSUED BY THE 3RD RESPONDENT

EXT P8:A TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 12.03.2015

EXT P9:A TRUE COPY OF THE LETTER NO.15754/E2/2015/G.EDN. DATED
25.03.2015 ISSUED BY THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.

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W.P(C).No.11886 of 2015

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Dated this the 09th day of April, 2015

JUDGMENT

Petitioner challenging Exts.P5 and P7 approached the Government by Ext.P8 revision. Petitioner filed this Writ Petition aggrieved by return of revision by the first respondent directing the petitioner to exhaust the procedures under Rule 8A of Chapter XIV of the Kerala Education Rules.

2. Learned counsel for the petitioner submits that Rule 8A is not applicable in this matter as petitioner is a 51A claimant and submits that revision under Rule 92 of Chapter XIVA of the KER is maintainable.

3. Government has power to interfere with any order passed by any subordinate Educational Officer. In that view of the matter, Ext.P9 is set aside. Government is directed to reconsider Ext.P8 revision after affording an opportunity of hearing to the petitioner and party respondent within a period of three months from the date of receipt of a copy of this judgment. Petitioner shall thereafter resubmit revision petition along with judgment before the first respondent for compliance.

The Writ Petition is disposed of. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.