

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C) .NO. 12242 OF 2015 (E)

PETITIONER(S) :

SHEEJA C
W/O.PADMAKUMAR K.P., SHEEJA BHAVANAM, VADKUMTHALA P.O.
KARUNAGAPPALLY
KOLLAM-690536 (CLUSTER RESOURCE CENTER COORDINATOR
BLOCK RESOURCE CENTER
VARKALA UPPER PRIMARY SCHOOL ASSISTANT (RETRENCHED) JOHN
F.KENNEDY MEMORIAL(JFKM) VOCATIONAL HIGHER SECONDARY SCHOOL
AYANIVELIKKULANGARA, SV MARKET P.O., KARUNAGAPPALLY).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENT(S) :

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

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM-695001.

3. THE DEPUTY DIRECTOR (EDUCATION)
OFFICE OF THE DEPUTY DIRECTOR (EDUCATION), KOLLAM.

4. DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, KOLLAM.

5. THE MANAGER
JOHN F.KENNEDY MEMORIAL (JFKM) VOCATIONAL
HIGHER SECONDARY SCHOOL
AYANIVELIKKULANGARA, SV MARKET P.O., KARUNAGAPPALLY.

R5 BY ADV. DR.K.P.SATHEESAN (SR.)
R5 BY ADV. SRI.P.MOHANDAS (ERNAKULAM)
R5 BY ADV. SRI.ANOOP.V.NAIR
R5 BY ADV. SRI.S.VIBHEESHANAN
BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 12242 OF 2015 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : TRUE COPY OF THE APPROVED APPOINTMENT ORDER DT.2-6-2004 ISSUED BY
RESPONDENT NO.5 AND APPROVED BY RESPONDENT NO.4.

P2 : TRUE COPY OF THE REPRESENTATION DT.11-12-2013 SUBMITTED BY THE
PETITIONER BEFORE RESPONDENT NO.4.

P3 : TRUE COPY OF THE COMMUNICATION DT.4-2-14 ISSUED TO THE PETITIONER
RESPONDENT NO.4.

P4 : TRUE COPY OF THE REVISION PETITION DT.2-4-14 SUBMITTED BY THE
PETITIONER BEFORE RESPONDENT NO.2 (EXCLUDING ANNEXURES)

P5 : TRUE COPY OF THE REPORT DT.23-10-14 SUBMITTED BY RESPONDENT NO.3
BEFORE RESPONDENT NO.2.

P6 : TRUE COPY OF THE ORDER DT.20-2-15 PASSED BY RESPONDENT NO.2.

P7 : TRUE COPY OF THE REQUEST DT.12-3-15 SUBMITTED BY THE PETITIONER
BEFORE RESPONDENT NO.5.

P8 : TRUE COPY OF THE REPRESENTATION DT.11-3-2015 SUBMITTED BY THE
PETITIONER BEFORE RESPONDENT NO.4.

P9 : TRUE COPY OF THE REPRESENTATION DT.11-3-2015 SUBMITTED BY THE
PETITIONER BEFORE RESPONDENT NO.3.

P10 : TRUE COPY OF THE REPRESENTATION DT.24-3-15 SUBMITTED BY THE
PETITIONER BEFORE RESPONDENT NO.3.

RESPONDENT(S) ' EXHIBITS:

EXT.R5(A):TRUE COPY OF THE REVISION PETITION FILED BEFORE THE
GOVERNMENT DATED 09.03.2015 WITHOUT ANNEXURE

EXT R5 (B):TRUE COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION
DATED 4.2.2014

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.12242 of 2015

.....
Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner, who was appointed as a UPSA in the School under the management of the 5th respondent, raises a claim under Rule 51 A in respect of a vacancy that has arisen in the School with effect from 01.11.2013 consequent to a retirement of H.S.A. (Natural Science). The petitioner's claim for appointment to the said post was recognised by the 2nd respondent in Ext.P6 order dated 20.02.2015. In the writ petition, the prayer of the petitioner is for a direction to the lower authority to implement the direction of the 2nd respondent in Ext.P6 order. In a counter affidavit filed by the 5th respondent, reference is made to Ext.R5(a) which is a revision petition preferred by the 5th respondent against Ext.P6 order before the 1st respondent. Taking note of the said fact, I am of the view that, the ends of justice would be met by directing the 1st respondent to pass orders on Ext.R5 (a) revision petition preferred by the 5th respondent, against Ext.P6 order after hearing the petitioner and the 5th respondent Manager. Accordingly, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.R5(a) revision petition

preferred by the 5th respondent before him within a period of one month from the date of receipt of copy of this judgment. While passing orders as directed, the 1st respondent shall hear both, the petitioner as well as the 5th respondent, and any other affected teacher. The petitioner shall produce a copy of the writ petition along with a copy of this judgment before the 1st respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns